

The Gazette of India

EXTRAORDINARY PART II—Section 2 PUBLISHED BY AUTHORITY

No. 15A] NEW DELHI, THURSDAY, APRIL 14, 1960/CHAITRA 25, 1882

LOK SABHA

The following Report of the Joint Committee on the Bill to provide for the reorganisation of the State of Bombay and for matters connected therewith was presented to Lok Sabha on the 14th April, 1960:—

Composition of the Joint Committee

Shri Govind Ballabh Pant—*Chairman.*

MEMBERS

Lok Sabha

2. Shri Shripad Amrit Dange
3. Shri B. N. Datar
4. Shri Bhaurao Krishnarao Gaikwad
5. Shri Maneklal Maganlal Gandhi
6. Shri Narayan Ganesh Goray
7. Shri Arun Chandra Guha
8. Shri R. M. Hajarnavis
9. Shri H. C. Heda
10. Shri Ajit Prasad Jain
11. Shri Gulabrao Keshavrao Jedhe

(1309/1)

12. Dr. Gopalrao Khedkar
13. Shri Bhawanji A. Khimji
14. Shri Balvantray Gopaljee Mehta
15. Shri Narendrabhai Nathwani
16. Shri Ghanshyamlal Oza
17. Shri Shamrao Vishnu Parulekar
18. Kumari Maniben Vallabhbhai Patel
19. Shri Nanubhai Nichhabhai Patel
20. Shri Purushottamdas R. Patel
21. Shri Uttamrao L. Patil
22. Shri Shivrang Rango Rane
23. Shri Ajit Singh Sarhadi
24. Shri M. Shankaraiya
25. Shri Vidya Charan Shukla
26. Shri Digvijaya Narain Singh
27. Shri M. S. Sugandhi
28. Shri N. R. M. Swamy
29. Swami Ramananda Tirtha
30. Shri Balkrishna Wasnik
31. Shri Indulal Kanaiyalal Yajnik

Rajya Sabha

32. Shri Khandubhai K. Desai
33. Shri T. R. Deogirakar
34. Shri K. K. Shah
35. Shri M. D. Tumpalliwar
36. Shri Jethalal Harikrishna Joshi
37. Shri V. R. Pandurang
38. Shri K. P. Madhavan Nair
39. Shri Purna Chandra Sharma
40. Shri Vijay Singh
41. Shri Gopal Swarup Pathak
42. Shri Dahyabhai V. Patel
43. Shri Lalji Pendse
44. Shri Suresh Jamiatram Desai
45. Shri B. V. (Mama) Warerkar.

DRAFTSMEN

Shri R. C. S. Sarkar, *Joint Secretary and Draftsman,*
Ministry of Law.

Shri G. R. Bal, *Deputy Draftsman, Ministry of Law.*

SECRETARIAT

Shri A. L. Rai—*Deputy Secretary.*

Report of the Joint Committee

I, the Chairman of the Joint Committee to which the *Bill to provide for the reorganisation of the State of Bombay and for matters connected therewith was referred having been authorised to submit the report on their behalf, present this their Report with the Bill as amended by the Committee annexed thereto.

2. The Bill was introduced in the Lok Sabha on the 28th March, 1960. The motion for reference of the Bill to a Joint Committee of the Houses was moved on the 31st March, 1960, was discussed in the Lok Sabha on the 31st March and 1st April, 1960 and was adopted on the 1st April, 1960.

3. The Rajya Sabha discussed the motion on the 6th and 7th April, 1960 and concurred in the said motion on the 7th April, 1960.

4. The message from the Rajya Sabha was read out to the Lok Sabha on the 8th April, 1960.

5. The Committee held five sittings in all.

6. Nine memoranda or representations on the Bill were received by the Committee from different associations and individuals.

7. The Committee considered the Bill clause by clause at their first to fourth sittings held from the 9th to 12th April, 1960.

8. The Committee considered and adopted the Report at their fifth sitting held on the 13th April, 1960.

9. The observations of the Committee with regard to the principal changes proposed in the Bill are detailed in the succeeding paragraphs.

10. *Clauses 2 and 3.*—The Committee consider that in accordance with the resolution adopted by the Bombay State Legislature, the residuary State of Bombay should be known as Maharashtra.

Clauses 2 and 3 have been amended accordingly.

11. *Clause 4.*—The amendment made in this clause is consequential in nature.

*Published in Part II, Section 2 of the Gazette of India, Extraordinary, dated the 28th March, 1960.

12. *Clause 6.*—The Committee feel that the representation of the State of Maharashtra in the Council of States in accordance with the population of the proposed State should be raised from 18 to 19.

The other amendment made in this clause is consequential in nature.

13. *Clauses 7 to 9.*—The Committee are of opinion that the term of office of the member elected to fill the additional seat allotted to Maharashtra should be six years.

The other amendments made in this clause are consequential in nature.

14. *Clauses 10 to 18.*—The amendments made in these clauses are consequential.

15. *New clause 19.*—The Committee are of the view that on the expiration of the duration of the newly created Legislative Assembly of Gujarat, the strength of that Assembly ought to be increased to 154 and that the Election Commission should be empowered to delimit the assembly constituencies of the State.

Clause 19 has been inserted accordingly.

16. *New clause 20.*—The amendment made by this clause in article 168 of the Constitution is consequential in nature.

17. *Clause 25 (Original clause 23).*—The amendment made in this clause in pursuance of the resolution adopted by the Bombay Legislative Council is clarificatory in nature.

18. *New clause 41.*—The Committee are of opinion that in accordance with the resolution adopted by the Bombay State Legislature, there should be a permanent Bench of the Bombay High Court at Nagpur consisting of at least three Judges.

This clause seeks to achieve that object.

19. *Clause 70 (Original clause 67).*—The Committee agree with the views expressed by the Bombay State Legislature that there should be a provision enabling the Government of Gujarat to constitute any time after the appointed day a State Financial Corporation, if they so desire.

The clause provides accordingly.

20. *Clause 71 (Original clause 68).*—The amendment made by the Committee in this clause is also in accordance with the resolution adopted by the Bombay State Legislature. This would enable the

State Government of Bombay to prepare a scheme for the reorganisation of the Bombay State Road Transport Corporation even before the appointed day.

21. *Clause 72 (Original clause 69).*—The Committee are at one with the views expressed by the Bombay State Legislature that for the purpose of election to the Bar Council of Gujarat, the period for which a lawyer has practised in the High Court of Saurashtra should also be taken into account. The Committee further consider that the period for which a lawyer has practised in the Judicial Commissioner's court of Kutch should also be similarly taken into account.

The clause has been amended accordingly.

22. *New clause 73.*—This clause has also been suggested by the Bombay State Legislature and the Committee agree with their suggestion. It seeks to amend the Multi-Unit Co-operative Societies Act, 1942, to provide that if the Board of Directors of any society as is specified in the Twelfth Schedule unanimously agree upon a scheme for the organisation of the society and the Government of Bombay certifies the scheme before 1st May, 1960, the scheme shall be binding on all the shareholders, creditors etc. of the society, subject to such further adjustments as may be made later.

23. *Clause 79 (Original clause 75).*—The amendment made in this clause has also been suggested by the Bombay State Legislature. It gives power to the Central Government to amend the Thirteenth Schedule so that any institution can be added to that Schedule for the purposes of providing such facilities both to Gujarat and Maharashtra.

24. *New clause 85.*—The amendment made in article 371 of the Constitution is consequential in nature.

25. *Clause 93 (Original clause 88).*—The amendment made in this clause is on the recommendation of the Bombay State Legislature. This amendment provides that the right of pleaders to practise in the same court in which they are practising at present shall continue for a period of one year instead of the shorter period of six months as originally provided in the Bill.

26. *The First Schedule.*—The amendments are verbal in nature.

27. *The Fifth Schedule.*—The amendment made in this Schedule seeks to provide for the delimitation of the three council constituencies of Maharashtra State by including Rajura district in them

along with the Bhandara and Chanda districts of those constituencies.

28. *The Seventh and Eighth Schedules.*—The amendments to these Schedules are consequential in nature.

29. *The Twelfth Schedule (New).*—This Schedule has been inserted in pursuance of clause 73.

30. *The Thirteenth Schedule (Original Schedule 12).*—From this Schedule eight institutions have been deleted as similar institutions exist in both the States and it is not necessary to share the facilities between the two States.

Five institutions have been added to the Schedule as facilities which exist for the whole of the present State are required to be continued till both the States have separate facilities.

The above amendments have been suggested by the Bombay Legislature.

31. The Joint Committee recommend that the Bill as amended be passed.

NEW DELHI;
The 13th April, 1960.

GOVIND BALLABH PANT,
Chairman,
Joint Committee.

Minutes of Dissent

I

We welcome and agree with the basic feature of this Bill, namely, the bifurcation of the bi-lingual state of Bombay and the establishment of the two unilingual States of Maharashtra and Gujarat. We are happy to note that at last the principle of carving out all the States in the Indian Union on the basis of language and contiguous territory has been given effect to in the matter of these two States. We are sure that the State of Maharashtra with its capital city of Bombay, its great industry and working people, will contribute now with greater enthusiasm to the development of our national economy and taking it in the direction of socialism which is the objective of all our people.

While the main problem has been resolved, we are sorry to note that the Bill contains certain features which militate against the interests of the new State of Maharashtra on certain vital matters.

These features mainly concern the question of the boundaries of the new State and the financial burdens imposed on it. These two features are embraced mainly by Part II and Part VI of the Bill, as adopted by the Bombay Legislative Assembly and the Joint Committee.

Border Areas

We object to the borders as defined today because many Marathi-speaking villages which ought to be in the State of Maharashtra are being transferred to Gujarat. On this question, the healthy principle of taking the village as the unit, on the basis of the language spoken by the majority of the people in the village and its geographical contiguity to its own given linguistic State should be the guiding principle for demarcating boundaries. This principle is popularly known as the Pataskar formula. It is regrettable that when we are drawing the boundaries of the two States on the basis of linguistic principle, a large number of villages and tracts inhabited by people speaking one language are being transferred into another State of a different language. This would create not only problems for the State of Maharashtra but also for the State of Gujarat.

We specifically object to the transfer of the following villages and tracts to the State of Gujarat as provided for in Section 3 of Part II:

17 villages of Umbergaon Taluka of Thana District, the whole district of Dangs and the Marathi-speaking tracts in Dharampur and Bansda.

The language of these villages and tracts is Marathi. The argument made by some people that the people in these areas, many of whom are Adivasis, speak a dialect which is not Marathi but is akin to Gujarati, and if not Gujarati, akin to something which is not known, is not a valid argument. But we do not wish to go into details in order to rebut this argument but would like to record our objection to the transfer of these villages to the State of Gujarat.

The case of Dangs was examined at least thrice and at each time it was declared to be Marathi area. Much is made today of the mutual agreement between the Chief and Finance Ministers of Bombay, but the same process was gone through in this case 12 years ago when the then Chief Minister and the Revenue Minister conducted an on-the-spot enquiry and agreed that the language of that district was essentially akin to Marathi. In a population of 48,000, there are hardly 2,000 Gujaratis. The Government of Bombay, on all considerations, decided that its official language was Marathi. Again in 1951, a dispute in regard to delimitation of constituencies arose and was decided by Tek Chand Committee. Considering all aspects of the question as well as the interests of the population, the Committee ordered that Dangs be joined to Nasik district for that purpose. In consideration of the weight of all these decisions, the States Reorganisation Act of 1956, which suggested separate States of Gujarat and Maharashtra included Dangs in Maharashtra.

In spite of this, Dangs district has now been included in Gujarat on a plea that the D.L.B. elections resulted in favour of Gujarat. We challenged this plea and proved by producing election manifestoes and posters of successful candidates that elections were not run on that basis at all and the plea was fictitious. Some of the manifestoes of Gujarati candidates were printed in Marathi and none of them had referred to bifurcation of bilingual Bombay or to integration with Gujarat. This was clearly an after-thought.

Similarly, the argument used that some of the village panchayats in Umbergaon district asked for being included in Gujarat is also of no value inasmuch as one can put forward the argument that many of these panchayats are merely nominated bodies and also the fact that in the general elections which were held on the basis of the question of bifurcation of Bombay State, it was the Samiti which received a majority of votes.

We, therefore, are of the opinion that this provision should be cancelled and the 50 villages of Umbergaon Taluka and the whole of

Dangs district and the Marathi-speaking villages of Bansda and Dharampur should be included in Maharashtra.

It is stated that all this has been done on the basis of an agreement between the Chief Minister of Bombay State, Shri Yeshwantrao Chavan and the Finance Minister, Dr. Jivraj Mehta who is proposed to be the Chief Minister of the new Gujarat State and that since the Bill has been adopted by the Bombay Legislative Assembly, there should be no changes made, which would violate the agreement underlying the present Bill. We do not accept the validity of the argument because an agreement violating certain basic principles which should govern and do govern the demarcation of boundaries should not be considered sacrosanct. We, in fact, had proposed that the whole question of demarcation of boundaries should be handed over to a boundary commission, after the establishment of the two States and that the Commission should carry out demarcation on the basis of the Pataskar formula. We regret to note that this principle was rejected.

The second point on which the new State of Maharashtra suffers, not only in relation to loss of villages and tracts, but also in relation to the future development of some of its areas in the Tapti valley, relates to the question of the transfer of the villages in the Nawapur and Nandurbar talukas of West Khandesh district and the villages in Akkalkuwa and Taloda talukas of West Khandesh district.

These villages and tracts are being transferred to Gujarat, though it is admitted that they are Marathi-speaking tracts. They are being transferred on the plea that the Ukai project which is to build a dam on the Tapti river in order to provide irrigation to the State of Gujarat would sink these villages and tracts under water and that after the lake has been formed, an area of about two miles in depth surrounding this lake should go to Gujarat in order to guard the lake and the irrigation flowing from it.

In fact, it has been most uncharitably hinted in the speeches of the would-be Chief Minister of Gujarat, Dr. Mehta, that this two-mile tract is sort of a guarantee against disturbance from the surrounding Maharashtrian State to the building of the dam and later on, its safe use by the State of Gujarat. We need not waste our time in rebutting the uncharitable reflections that are cast on the Marathi-people in such an attitude. Our objection is based on purely scientific grounds.

According to us, the Ukai project is not at all necessary for the State of Gujarat, whether it be for the supply of power or for supply of water. It is not necessary for power because Gujarat has found on its soil a vast supply of oil. Secondly, it is not necessary for

water because the schemes on the Narmada river are sufficient to supply the needs of Gujarat and the project at Ukai has been held by technical experts to be unprofitable from the point of view of supplying water to Gujarat. In the first place, the area proposed to be sunk will not impound the water that is required by the State of Gujarat, both for electricity and irrigation. And the height of the dam which is proposed to be built on the exploitation of impounding a large volume of water, will endanger large tracts lying upstream in Maharashtra. Thus the scheme would be harmful in two ways. It will not meet the needs of Gujarat but it will endanger the good food and raw material-producing areas of Maharashtra. The experts of the Central water and Power Commission and of the Planning Commission have not come to any agreement on this question and are in doubt as regards the technical data regarding rainfall, the storage of water and its run-off and the possibility of upstream damage. In view of this, we think that transfer of these areas on the assumption that the Ukai project is a necessity and that its structure has been finalised, is not correct.

Secondly, there is a wrong principle underlying this transfer. It is assumed that villages and tracts which are submerged in a lake should be transferred to that State which takes irrigation water from the given lake. This principle is a novel principle. Then one wonders as to what would happen to lakes formed by dams on rivers which run not only through one State but two or three States, as would happen in the case of dams on the Ganges or the Krishna, and so on. If the dam is at all found necessary, it could be built up without necessarily transferring the villages to be submerged in advance to the State of Gujarat.

The people living in these villages are Marathi people and they should be looked after and be under the jurisdiction of the State of Maharashtra. Therefore, on the problem of transfer of these villages and the working out of the Ukai project, we hold that the Bill is taking a wrong direction and harming the interests of the State of Maharashtra, without in any way benefiting the State of Gujarat either.

A third harmful feature of the Bill is in regard to the financial provisions.

It has been stated that the new State of Gujarat is going to be a deficit State and that in view of the fact that the prosperous City of Bombay has a large surplus of income, the deficit of the State of Gujarat should be paid from the surplus of Bombay City or the State of Maharashtra, since the City now is included in Maharashtra.

Our main quarrel with this provision is not that money is being paid to the State of Gujarat. Our main quarrel is that it assumed as if the City of Bombay is not a legitimate part of Maharashtra and as such, when the Gujarat State is being formed, a part of the wealth of Bombay City must be shared with Gujarat, as of right. This approach is wrong in principle and therefore we do not agree with it.

Secondly, we do not think that the State of Gujarat would necessarily be a deficit State, if it were to restrict its activities to the normal functioning of a State. For example, Rs. 10 crores are to be contributed for the building of a new capital. We agree that Gujarat does require new buildings in order to house the Government but there is no reason why it should be done from the assets of the Maharashtra State. The State of Gujarat should get its legitimate share of the common assets of the old Bombay State and from that they could build whatever capital they like and with whatever cost they like.

Then it is a very novel procedure and provision that one State in the Indian Union should be asked directly to provide the deficit of another State. In the Indian Union, we have a provision that many of the taxes realised in the State are taken over by the Centre and the Finance Commission distributes them according to the needs of each State and a part of them being necessarily kept for the State from which the tax income is derived. If the State of Gujarat wanted more money to meet its needs, the legitimate course would have been to approach the Finance Commission for larger share of the national tax income. The Finance Commission's award runs for five years and the one in regard to Bombay State would expire by 1962. Therefore, it would be quite understandable if some *ad hoc* provisions were made now at the time of this reorganisation for the two remaining years. But the financial provisions incorporated in this Bill go beyond these two years and ask the State of Maharashtra to provide for the deficits of the State of Gujarat for the next ten years--a total liability of Rs. 40 crores.

It almost looks as if the new State of Maharashtra is buying its existence with the City of Bombay at the cost of Rs. 40 to 50 crores in cash and in several hundred Marathi villages being ceded to the State of Gujarat.

This does not appear to be the parting of two brothers with mutual goodwill, as some like to describe the separation of the two States. Even the financial burdens may be forgotten after few years. But the continuance of the Marathi villages in the other State would remain a living question for years to come. Because, it is a question of people, their livelihood, their language, their culture and not a

question of money. And the fact that while several hundred Marathi villages and a whole district are being transferred to Gujarat, the Marathi-speaking areas of Maharashtra such as Belgaum etc. which are still lying in other States are not being transferred to us at this stage, is also bound to act as a further irritating factor and retract from the all-round joy and satisfaction that should have arisen from the fact of the birth of the new State of Maharashtra.

Statements have been made quoting resolutions and talks between the Samyukta Maharashtra Samiti and Mahagujarat Janata Parishad, in order to support the provisions regarding transfer of Dangs and payment of deficits. The papers regarding this question have been put before the Joint Committee and we have shown that there is no warrant for saying that the Samiti spokesmen agreed to meet the deficits for ten years or to give the areas to the State of Gujarat. The Samiti leadership abides by all that it has agreed to and does not go back on its word.

It is stated that the Samiti leadership agreed to meet the initial difficulties of a normal budget of the new Gujarat State, which were computed to be about Rs. 10 crores. And then it is argued that what the two leaders of Bombay State did was only to extend the same understanding to ten years, instead of two years. That certainly is a strange argument, because the Samiti was prepared to agree to this provision in order to secure unity in outlook and common struggle. It would not be correct to say that a sum of Rs. 40 crores logically follows from a suggestion to give Rs. 10 crores.

We therefore requested for the amendment of Parts II and V on these vital questions.

In the matter of this deficit, we have to point out that the State of Maharashtra is asked to meet the deficit for the whole State of Gujarat which now would include Saurashtra and Kutch. But so long, the deficits of Saurashtra and Kutch were being met by the Central Government because it had taken over certain tax incomes from those two areas. Now these deficits which were formerly being met from the Central Government are also being transferred to Maharashtra, which is asked to pay for them. This obviously is unjust.

It has been stated by some members that the statement of policy made by the Chief Minister in the Bombay Assembly regarding the special needs of the Vidarbha area and the needs of undeveloped areas like Marathwada, Konkan, etc., if possible, should form part of the Bill. In principle, we have no objection to the policy statements

made by the Chief Minister and supported by the Samiti in the matter of the Nagpur Pact being given a place in the structure of the Bill. But we are told that this would not be possible according to the Constitution and other legal difficulties and that the Maharashtra State Legislature should take appropriate steps in fulfilling those policies.

A policy statement referring to the special status of Bombay City has been made in the Legislative Assembly of Bombay and some members asked for special provisions for protection of linguistic minorities in Bombay City. We think, a demand to specially provide for the linguistic minorities only in the City of Bombay and only in the State of Maharashtra is not based on a correct approach. All major cities in India, in all States, have linguistic minorities, as for example, Calcutta, Madras, Bangalore, Delhi, etc. Nobody therefore suggests that in those Cities, there should be special provisions, apart from the guarantees given by the Constitution. So, we do not agree that special provisions for Bombay City should be made in the structure of this Bill or by the legislature of Maharashtra. At the same time, we do agree that linguistic minorities in all States, including Maharashtra, should have some mechanism by which they can approach the Government of the State with their problems and resolve them by consultation. It is with this view that the proposal of a Minorities Council made up of linguistic minorities electing their delegates to the Council on the basis of proportional representation was suggested by discussion between the Mahagujarat Janata Parishad and the Samyukta Maharashtra Samiti. Given mutual goodwill between all the linguistic groups in a State and protection of the general interests of all the people in the State, there should be no occasion for differences between various communities in a State. However, we agree that the linguistic minorities in Maharashtra, including Bombay City, should be given all the special attention that they need, particularly to the toiling people, in the matter of their jobs, services, education, etc.

We also feel that both in the State of Maharashtra and Gujarat as elsewhere, the former Scheduled Castes who had turned towards Buddhism but who still remain backward by the fact of their social and economic development, as also the Adivasis inhabiting large tracts of the State should receive special attention and help in their development.

In the end, we can only say that though the new State of Maharashtra has been saddled with unjust financial burdens and still remains an incomplete State because of the loss of its Marathi-speaking villages and tracts, it is a great event of historical importance that the majority of the Marathi-speaking people have been brought

together in one State with the historic name of Maharashtra and we are sure that it will fulfil its role in the future development of our country.

SHRIPAD AMRIT DANGE
LALJI PENDSE
BHAURAO KRISHNARAO GAIKWAD
NARAYAN GANESH GORAY
SHAMRAO VISHNU PARULEKAR
UTTAMRAO L. PATIL.

NEW DELHI;
13th April, 1960.

II

I feel constrained to submit this dissenting note. The new State proposed to be called 'Maharashtra State' contains certain considerable areas, mentioned below, in which Kannada-speaking population predominates. This is evident beyond all doubt and it is partly admitted by the Bombay Government in its Memorandum of 1957. While this is so, until the Kannada speaking areas are separated and merged in the neighbouring State of Mysore, the proposed Maharashtra State will continue to be a bilingual State and therefore it would be misleading, incorrect and improper to name it as 'Maharashtra State' which implies it is completely Marathi-speaking State. So, I am strongly of the view that instead of calling it Maharashtra State it should continue to be called Bombay State until the Kannada speaking areas are separated from it. The following areas of the proposed Maharashtra State contain predominantly Kannada-speaking Talukas.

Namely:—

- (1) Sholapur City and South Sholapur Taluka;
- (2) Mangalveda Taluka;
- (3) Akkalkot Taluka;
- (4) Sangola Taluka, of Sholapur District;
- (5) Jeth Taluka of South Satara District;
- (6) Shiroal and Gadinghlaj Talukas of Kolhapur District;
and
- (7) Umaraga, Nilanga and Ausa Talukas of Usmanabad District.

Leaving aside my above objection, I submit that we have got one "Rashtra", i.e. Bharat and that there cannot be a bigger Rashtra than the Bharat Rashtra and so the present name should continue.

NEW DELHI;
13th April, 1960.

M. S. SUGANDHI.

III

I regret I cannot agree with the majority opinion.

Before I write my dissent, I must state that I appreciate the work done by the nine men committee and also the agreement arrived at by the Chief Minister of Bombay State, Shri Chavan and Dr. Jivraj Mehta, the Chief Minister of the prospective Gujarat State. I also value the Bhattarcharjee Committee's report as well as Shri Rangachari's report. The hard and intelligent labour put by one and all was to see that Maharashtra and Gujarat part as brothers with amiable feelings and goodwill. I, for one, desire that Maharashtra and Gujarat should become brotherly neighbours in the family of our motherland.

So, my task to write this dissent becomes somewhat difficult. But if I fail to place the view-point and feelings of Gujarat in the matter, I fail in my duty to the people of Gujarat. I, therefore, submit this note to the House with a request to mitigate the injustice done to Gujarat.

Bombay was never built in a day. Gujarat had its large share in building Bombay. Bombay's surplus today is more than Rs. 25 crores a year. For development of Bombay and making it a surplus, large sums had been spent by the Bombay State from revenue expenditure. The large number of government buildings therein have been constructed from Government revenue.

The Dar Commission in 1948 also opined that "In building up this great city, all communities including the British have taken their share, and as a result it has acquired a mixed individuality and is distinctly multilingual and cosmopolitan. Historically, it has never been a part of the Maharatha empire." and so it could not be placed in the unilingual state. The V. J. P. Committee also agreed with this opinion. In 1955, the States Reorganisation Commission also with a view to maintain the cosmopolitan character of Bombay proposed the bilingual State of Bombay without Vidarbha.

To appease our Maharashtrian brothers different decisions were taken at different times and the present bilingual State of Bombay was the outcome of that process of appeasement.

This time, the initiative was taken by Shri Chavan, the Chief Minister of Bombay to break the bilingual State of Bombay. Shri Chavan on the floor of Bombay Assembly on 14-3-60 boldly and unequivocally stated: "I may confess to you, speaking for myself, that I was for a unilingual State of Maharashtra even then." Under

the circumstances, the Bombay State was destined to break sooner or later and I am happy to note that the bifurcation is now to come about.

Gujarat had been always loyal to the Congress and accepted whatever directives were given. In 1956, no doubt a large section of the people refused to accept the directive. I feel Gujarat has been penalised for its sense of overloyalty and I write this note to impress on the House that this time also its loyalty should not be penalised.

Two main problems will be before the House—territorial adjustments and financial adjustments.

Territorial adjustments

Some villages of Umergaon Taluka, Dangs and some villages going to be submerged by the Ukai Project and the two-mile strip around it are proposed to be put in Gujarat. This proposal is opposed by the Hon. members of Samyukta Maharashtra Samiti.

Umergaon Taluka passed into the hands of the East India Company in 1844 from the hands of the rulers of Sanjan, the Gujarati rulers. The Parsis came to this area and adopted the Gujarati dress and language. This is sufficient to show that the language prevalent was Gujarati. No doubt, Adivasis, known as Warlis, speak Warli, a dialect very near to Gujarati. In 1844, Umergaon was in the Thana District along with other small states captured by the East India Company but the whole of Thana district was put in Gujarat region—the northern division of Bombay. This shows that Thana district including Umergaon Taluka had more affinity with Gujarat. People of Thana district had to come to Ahmedabad—the headquarters of the northern division and hence to lessen their inconvenience of a long journey to Ahmedabad, the Thana district for administrative convenience was very recently put in the southern division of Bombay State. This fact may not be forgotten.

In the 1941-Census Report, the population was as under:—

<i>Total Population</i>	<i>Gujaratis</i>	<i>Warlis</i>	<i>Marathis</i>
92,164	48,009	38,170	3,497

This shows that the Gujarati-speaking people were 52.1%, the Warli (dialect) speaking were 41%, while the Marathi-speaking were only 4%.

It may be remembered that the Samyukta Maharashtra movement was started in 1946 and before that the Maharashtra Sahitya

Parishad was active and in 1938, appointed the Kulkarni Committee. It may also be considered that in Thana district most of the government servants were Maharashtrians. The Samyukta Maharashtra movement has not spread even great Maharashtrian nationalists.

The result was that in the 1951-Census, the population came to be as under:—

<i>Total Population</i>	<i>Gujarati</i>	<i>Marathi</i>
113350	55,923	56684

I leave it to the judgment of the House to consider these figures. From 4% the Marathis swelled to 49.8% and the Gujaratis dwindled to 49% and the Warli-speaking people were wiped out. Shall we rely on this 1951-Census figures?

It is admitted by my Samyukta Maharashtra Samiti friends that the villages not proposed to be put in Gujarat are Warli-speaking.

Mr. Kulkarni, a Maharashtrian language expert in his Marathi Book "Marathi Language—Origin and its development (1933)" says that the Warli dialect has been influenced by Gujarati. Perhaps, these people came down to Konkan from Gujarat.

Shri K. J. Save, another Marathi scholar in his book 'The Warlis' (1945) writes "in addition to the Warli dialect, in the northern part of the Thana district i.e. Umbergaon Peta and some villages in Dahanu Taluka, the Warlis can follow and speak Gujarati also. In Umbergaon Peta line with the Dublias and Dhodias whose language is Gujarati.....I have heard Warli women from Umergaon Peta singing Gujarati songs. Thus, Warlis in the northern part of the district are quite familiar with Gujarati, though among themselves they speak their own dialect. From this linguistic study, I am inclined to agree with Mr. Kulkarni in saying that these people might have come down to Konkan from Gujarat. There are still a few Warlis living in South Gujarat and in the Dharampur and Bansda States of the Surat Agency."

Even the Dar Commission have remarked, "whether the language spoken by the lower strata of society in their homes in the four coastal Talukas of Umergoan, Dahami, Palgarh and Bassein of North Konkan is basically Gujarati or Marathi is another controversial matter."

It is clear from this that the Warlis have come down to this area from Gujarat and the Warli dialect has affinity with Gujarati. On

the borders, a language or dialect is bound to be mixed and when spoken by illiterate persons is bound to be crude.

So, it will be justice to Gujarat, if the whole of Umergaon and Dahami Talukas are included in Gujarat. In the Bill, some villages of Umergaon Taluka are not put in Gujarat while not a single village of Dahanu Taluka has been included. At least the whole Umergaon Taluka and some villages of Dahanu Taluka on western coast should be put in Gujarat.

West Khandesh

Some area required for the Ukai Project is proposed to be put in Gujarat. Even this is objected. Electricity is essential not only for big industry, but is vital to small industry and agriculture. Development of agriculture and industry is the need of the day. This is a national problem. However, every obstacle is put in the way of the Ukai Project. Even *morchas* and agitation to impede the progress of the project are being resorted to.

Not only the area proposed to be put, but at least the six talukas: (1) Navapur (2) Nandarbar (3) Akkalkuva (4) Akrani (5) Shahada, and (6) Taloda, in justice should be put in Gujarat.

1951-Census

<i>Total Population of the six Talukas</i>	<i>Bhili speaking</i>	<i>Gujarati speaking</i>	<i>Marathi speaking</i>
5,41,088	3,20,980	48,491	1,38,869

It will be seen that even though malpractices had been done in the 1951-Census, the Marathi-speaking are less than 25% of the population of the six talukas.

Bhili is also known as Ahirani. The Maharashtra Sahitya Parishad entrusted Shri Kulkarni to inquire into the local Ahirani dialect spoken by the people in West Khandesh etc. He submitted in 1938 the following report:

*".....Dr. Grierson, a linguist, was appointed to undertake the linguistic survey. The work done by this officer reveals that he carried out the duties efficiently....This linguist critically analysed the differences between the dialects of Marathi..... The dialect spoken in West and East Khandesh, North Nasik, Southern part of the basin of Tapti etc., particularly the dialect spoken by illiterate villagers of these areas, contains many elements of Gujarati. Dr. Grierson, therefore, came to the conclusion

*Translation in English of the quotation in Marathi.

that the particular dialect was a species of Gujarati and not Marathi; and he included them in his volume not under Marathi but under Gujarati (9—3). This dialect is known as *Ahirani*. People speaking this dialect have been enumerated as Gujaratis. The Census of 1911, 1921 and 1931 counted the *Ahirani* speaking people as Gujaratis and the number of Marathi speaking people was proportionately reduced. This matter, therefore, needs reconsideration."

(Maharashtra Sahitya Parishad, Report of the Konkani-Ahirani Committee, K. P. Kulkarni, Poona, 1938, pp. 2-3).

Nandarbar was a centre of Gujarati literature and culture and the well-known Gujarati poet Premanad flourished in this area. The fort of Nandarbar was built by Karnadeva (History of Gujarat, Vol. I, M. S. Commissariat) and Nandarbar etc. was under the last Gujarati ruler Karnadeva till he was defeated by the armies of Alauddin Khilji in 1297. Navapur, Akkalkuva, Taloda and Akrani remained under Nanded (now Rajpipla, sub-division of Broach district) till the East India Company occupied them. It was only during the 18th century in the disturbances that marked the transfer of power from the Moghals to the Marathas (Bombay Gaz. XII Khandesh p. 82), that the Marathas occupied it. Before this, there was no occupation of Maratha over Khandesh and the area was mostly inhabited by Bhils. No Marathi-speaking people were there. The country was just attacked by Shivaji in 1675.

The following will prove that Bhili is a dialect of Gujarati:

- (1) "The Bhil and the inhabitants of Khandesh speak mixed forms of speech which are dialects of Gujarati."
(Sir G. Grierson, Imp. Gaz. India, I. p. 368-9)
- (2) "The Bhil dialects appear under many names, but they are all, with Khandeshi (*Ahirani*) and its connected dialects, essentially the same form of speech, which may be described as Eastern Gujarati."
(Census of India, 1901, vol. I, part I, p. 336).
- (3) Grierson maintains the same view in the Linguistic Survey of India (Intro; 1916.)
- (4) "Gujarati is in use among the husbandmen to the north of the Tapti, and it is the language of trade through the district, and Marathi is the language of Government

Offices and Schools. The Genitive (na) and the locative (man) of Ahirani, correspond to Gujarati terminations, while the optional of the locative is again a form of the current Gujarati word meaning 'inside'.

(Bom. Gaz. Khandesh, p. 42-43)

(5) Among themselves the Western Satpuda Bhils of Khandesh speak the dialect of Gujarat.

Ibid. p. 45

(6) "The Akrani Pauras and Western Bhils (of Navapur, Akkalkuva, Taloda etc.) speak among themselves a dialect of Gujarati.

Ibid. p. 84

Actually in West Khadesh, the Marathi speaking people are in minority. The following figures are significant:

<i>West Khandesh Total Population</i>	<i>No. of Marathi Speaking</i>	<i>Percentage of Marathi Speaking</i>
1921 Census 641847	176646	28.5
1931 Census 771794	208391	27.1
1941 Census 912214	233400	25.57
1951 Census 1146024	672479	58.07

It may be noted that during the decade between the Census years 1941 and 1951, the increase of the total population of the district was of the order of 233810 persons, whereas the increase in the Marathi-speaking people was 439097. I leave it to the Hon. House to judge whether such enormous increase is possible unless malpractices were done in the 1951-Census.

The case of Navapur Town deserves special consideration.

Even according to the 1951-Census Report, the population of Navapur Town was 8988 out of which 59% were Gujarati, 21% Adivasi (Bhils) and only 20% were Marathi-speaking including the floating residents of government staff. The distance between Navapur Station and Navapur Town is about a mile and there is nothing in between. Upto Navapur Station, the area comes within two miles strip. I do not understand why Navapur Town be put in Maharashtra simply on the ground that it is not within two miles, while Taloda Town though within two miles is not put in Gujarat.

Dangs

Actually there is no problem of Dangs. The Dangs have been morally conceded by the Samyukta Maharashtra Samiti to Gujarat. Some figures are pertinent:—

In 1931 the Bhils in the district were shown to be 32324; in 1941 the Bhils were 36260 and Marathis were 630 but in 1951, the Bhils evaporated and the Marathis became 45017. How can we rely on the 1951 Census?

Assembly elections of 1951 and 1956 as well as the local Board elections indicate the verdict of the people of Dangs for Gujarat.

Baragam Dangs are limbs of the main Dangs and I do not understand why Baragam Dangs be separated and put in Maharashtra.

Financial adjustments

It is a happy thing that the financial adjustments have been made by agreement. The Nine-Men Committee had the benefit of having with them Shri Chavan and Dr. Jivraj Mehta and after full consideration the Committee came to the conclusion that:—

(1) Rs. 10 crores should be given to Gujarat for construction of a new capital from the assets of the present Bombay State. This means that the Maharashtra State is to give between Rs. 6 to Rs. 7 crores.

(2) In view of the financial position of the present bilingual State, the estimated amount deficit of the State of Gujarat should be met by the New Bombay State (Maharashtra) in the first six years after the formation of the State of Gujarat and by tapering arrangements of 20 per cent reduction in each successive year during the next four years.

To determine the annual deficit of Gujarat State, the question was referred to the Bhattacharya Committee. The Committee came to the conclusion that annual deficit of Gujarat shall be of Rs. 935 lakhs in 1960-61 and of 914 lakhs in 1961-62. However, Shri Barve and Shri Yardi were of the opinion that amortisation (sinking fund) and road fund amounts should be excluded from deficit.

This difference was referred to Shri Rangachari and he gave his award and accordingly certain provisions of the Bill have been drafted.

With due respect to Shri Rangachari I submit that if the amortisation fund is not maintained, how loans or debts could be paid.

The present Bombay Government were maintaining such fund from revenue. Except the State of Assam, all States without exception follow this practice. Dr. H. N. Kunzru has remarked in the Rajya Sabha on the 7th April, 1960:—

“As regards amortisation of the public debt of Bombay Shri Rangachari took into account the open market loans and not the loans taken by the Bombay State from the Government of India. Sinking funds for some loans were also not taken into account. When a State is going to be divided we can fairly ask that the liability of the State Government to the Central Government should also be taken into consideration.”

As regards road fund it is nothing else than the revenue received from the Motor Vehicles Tax Act and Sales Tax Act. The revenues derived from these taxes are credited to revenue side and debited to the road fund. These taxes are earmarked and cannot be used for any other purpose. In reality these taxes are road fund taxes. If the revenues from the taxes under the Motor Vehicles Act and Sales Tax Act are directly taken to the road fund, the deficit will increase by Rs. 2 crores.

I submit to the House that this must be corrected. That the principle of financing the deficit of Gujarat State was even accepted by the Samyukta Maharashtra Samiti will be clear from the following extract:—

“In the perspective of development of both the States, the problem of viability will be studied. It is suggested by some people that the Maha Gujarat State might find it difficult to balance its budget, when the Bombay City is included in the Samyukta Maharashtra. Therefore, it is proposed that the leadership of both the States will jointly study the problem in the light of data available in the new set up and Maharashtra State will find resources to help the sister State of Maha Gujarat to balance its budget during the initial budgetary difficulties.”

(From agreement arrived at between leaders of Samyukta Maharashtra Samiti and Maha Gujarat Parishad on 5-11-57).

Some progress was done in Gujarat in the 2nd Five Year Plan period but this was from Capital Expenditure and so from the very birth, the Gujarat State shall be burdened with heavy debt. While before the 2nd Plan period and even during the plan period many new Government buildings have been constructed in Bombay and

Maharashtra from revenue expenditure. The total value of the Government buildings etc. constructed from revenue expenditure remaining in Maharashtra State may be more than Rs. 2,000 crores and this under clause 44 goes to Maharashtra. As compared to Maharashtra, Gujarat has got practically nothing in this regard.

In 1951-52, 125455 acres in Gujarat were under irrigation only seasonal, while in Maharashtra it was 751526 acres, an appreciable part of it perennial.

In the First Five Year Plan additional 113549 acres in Gujarat and additional 101416 acres in Maharashtra were put under irrigation making in all 239004 acres in Gujarat and 852942 acres in Maharashtra. Irrigation in Maharashtra is perennial or too seasonal in majority case while in Gujarat it is only seasonal.

In Gujarat though Ukai Hydro-Electricity Project was put in the Second Plan, no progress has been done, while Maharashtra has surplus electricity. Koyna though not in the 1st plan was included in the 1st plan and has completed 2nd plan phase and progressed very much.

I am happy to note the progress in Maharashtra in the spheres of irrigation and power, which will give prosperity to the people of Maharashtra and add to the wealth and prosperity of our country. I have submitted these facts only to show that Gujarat has to begin from the scratch and deserves sympathy of the House.

Samyukta Maharashtra Samiti and Maha Gujarat Parishad members were returned to the Bombay Legislature and this House to break the bilingual State of Bombay. So Congress members were returned to the Bombay Legislature and this House to run the bilingual State of Bombay. Congress members at the election time opposed unilingual States of Maharashtra and Gujarat and promised people to run the bilingual State of Bombay. They have failed and the State is breaking. So they must go to the people and admit their failure and ask for a vote for confidence. So also Samyukta Maharashtra Samiti and Maha Gujarat Parishad members were sent to fight and break the bilingual State of Bombay and not to run the unilingual States of Maharashtra and Gujarat. Either they should resign or some clause in the Bill should be put so that after the formation of the unilingual States of Maharashtra and Gujarat the term of their office end and an interim election is held.

NEW DELHI;

PURSHOTTAMDAS R. PATEL

The 13th April, 1960.

Bill No. 13-B of 1960

THE BOMBAY REORGANISATION BILL, 1960

(AS REPORTED BY JOINT COMMITTEE)

(Words side-lined or underlined indicate the amendments suggested by the Committee; asterisks indicate omissions)

▲

BILL

to provide for the reorganisation of the State of Bombay and for matters connected therewith.

BE it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

PART I

PRELIMINARY

- 5 1. This Act may be called the Bombay Reorganisation Act, 1960. Short title.
2. In this Act, unless the context otherwise requires,— Definitions.
 - (a) “appointed day” means the 1st day of May, 1960;
 - (b) “article” means an article of the Constitution;
 - (c) “assembly constituency”, “council constituency” and
10 “parliamentary constituency” have the same meanings as in the
Representation of the People Act, 1950;
 - (d) “law” includes any enactment, ordinance, regulation,
order, bye-law, rule, scheme, notification or other instrument
having, immediately before the appointed day, the force of law
15 in the whole or in any part of the State of Bombay;
 - (e) “notified order” means an order published in the Official
Gazette;

(f) "population ratio", in relation to the States of Maharashtra and Gujarat, means the ratio of 66·31 to 33·69;

(g) "sitting member", in relation to either House of Parliament or of the Legislature of the State of Bombay, means a person who, immediately before the appointed day, is a member of that House; 5

(h) "transferred territory" means the territories which, as from the appointed day, are the territories of the State of Gujarat;

(i) "treasury" includes a sub-treasury;

(j) any reference to a district, taluka, village or other territorial division of the State of Bombay shall be construed as a reference to the area comprised within that territorial division as recognised for land revenue purposes on the 1st day of December, 1959. 10

PART II

15

REORGANISATION OF BOMBAY STATE

Formation
of Gujarat
State.

3. (1) As from the appointed day, there shall be formed a new State to be known as the State of Gujarat comprising the following territories of the State of Bombay, namely:—

(a) Banaskantha, Mehsana, Sabarkantha, Ahmedabad, Kaira, 20 Panch-mahals, Baroda, Broach, Surat, Dangs, Amreli, Surendranagar, Rajkot, Jamnagar, Junagadh, Bhavnagar and Kutch districts; and

(b) the villages in Umbergaon taluka of Thana district, the villages in Nawapur and Nandurbar talukas of West Khandesh 25 district and the villages in Akkalkuwa and Taloda talukas of West Khandesh district, respectively specified in Parts I, II and III of the First Schedule;

and thereupon, the said territories shall cease to form part of the State of Bombay, and the residuary State of Bombay shall be known 30 as the State of Maharashtra.

(2) The villages in Umbergaon taluka specified in Part I of the First Schedule shall form a separate taluka of the same name and be included in Surat district, and the remaining villages in the said taluka shall be included in, and form part of, Dahanu taluka of Thana 35 district; and the villages specified in Parts II and III of the First Schedule shall respectively be included in, and form part of, Songadh taluka of Surat district and Sagbara taluka of Broach district.

4. As from the appointed day, in the First Schedule to the Constitution, under the heading "1. THE STATES",—

Amendment of the first Schedule to the Constitution.

(a) for entry 4, the following entry shall be substituted, namely:—

5 "4. Gujarat The territories referred to in sub-section (1) of section 3 of the Bombay Reorganisation Act, 1960.";

((b) after entry 7, the following entry shall be inserted, namely:—

10 "8. Maharashtra The territories specified in sub-section (1) of section 8 of the States Reorganisation Act, 1956, but excluding the territories referred to in sub-section (1) of section 3 of the Bombay Reorganisation Act, 1960."; and

(c) entries 8 to 14 shall be renumbered as entries 9 to 15 respectively.

20 5. Nothing in the foregoing provisions of this Part shall be deemed to affect the power of the State Government to alter, after the appointed day, the name, extent or boundaries of any district, taluka or village in the State. Saving powers of State Government.

PART III

REPRESENTATION IN THE LEGISLATURES

25 *The Council of States*

6. As from the appointed day, there shall be allotted 19 seats to the State of Maharashtra, and 11 seats to the State of Gujarat, in the Council of States, and in the Fourth Schedule to the Constitution, in the Table,—

Amendment of the Fourth Schedule to the Constitution

30 (a) for entry 4, the following entry shall be substituted, namely:—

"4. Gujarat .. 11";

(b) after entry 7, the following entry shall be inserted, namely:—

35 "8. Maharashtra .. 19";

(c) entries 8 to 18 shall be renumbered as entries 9 to 19 respectively; and

(d) for the figures "221" the figures "224" shall be substituted.

Allocation of
sitting
members.

7. (1) The twelve sitting members of the Council of States representing the State of Bombay, whose names are specified in Part I of the Second Schedule, and such six of the nine sitting members elected to represent that State at the biennial elections held for the purpose of filling the vacancies existing on the 3rd day of April, 1960, as the Chairman of the Council of States shall by order specify shall, as from the appointed day, be deemed to have been duly elected to fill eighteen of the nineteen seats allotted to the State of Maharashtra.

(2) The five sitting members of the Council of States representing the State of Bombay, whose names are specified in Part II of the Second Schedule, and the remaining three of the nine members elected at the said biennial elections shall, as from the appointed day, be deemed to have been duly elected to fill eight of the eleven seats allotted to the State of Gujarat.

Bye-elections
to fill vacan-
cies.

8. As soon as may be after the appointed day, bye-elections shall be held to fill the additional seats allotted to the States of Maharashtra and Gujarat as well as the existing casual vacancy in the seats allotted to the State of Gujarat. * * * * *

Term of
office.

9. (1) The term of office of the sitting members and of the member chosen to fill the casual vacancy shall remain unaltered.

(2) The term of office of the member elected to fill the one additional seat allotted to the State of Maharashtra shall expire on the 2nd day of April, 1966.

(3) Out of the two members elected to fill the two additional seats allotted to the State of Gujarat, the term of office of that member who, at the counting of votes, is last declared elected, or if an equality of votes is found to exist, the term of office of such one of them as the returning officer shall decide by lot, shall expire on the 2nd day of April, 1964 and the term of office of the other member shall expire on the 2nd day of April, 1966.

The House of the People

Representa-
tion in the
House of the
People.

10. As from the appointed day, there shall be allotted 44 seats to the State of Maharashtra, and 22 seats to the State of Gujarat, in the House of the People, and in the First Schedule to the Representation of the People Act, 1950—

(a) for entry 4, the following entry shall be substituted, namely:—

"4 Gujarat

22";

35

43 of

40

(b) after entry 7, the following entry shall be inserted, namely:—

“8. Maharashtra .. 44”; and

(c) entries 8 to 22 shall be renumbered as entries 9 to 23 respectively.

11. As from the appointed day, the First Schedule to the Delimitation of Parliamentary and Assembly Constituencies Order, 1956, shall stand amended as directed in the Third Schedule to this Act.

Delimitation of Parliamentary Constituencies.

12. Every sitting member of the House of the People representing constituency * * * which, on the appointed day, by virtue of the provisions of section 11, stands allotted, with or without alteration of boundaries, to the State of Maharashtra or to the State of Gujarat, shall be deemed to have been elected to the House of the People by that constituency as so allotted.

Provision as to sitting members.

The Legislative Assemblies

13. As from the appointed day, the total number of seats to be filled by persons chosen by direct election in the Legislative Assemblies of Maharashtra and Gujarat shall be 264 and 132 respectively, and in the Second Schedule to the Representation of the People Act, 1950—

Strength of Legislative Assemblies.

(a) for entry 4, the following entry shall be substituted, namely:—

“4. Gujarat .. 132”;

(b) after entry 7, the following entry shall be inserted, namely:—

“8. Maharashtra .. 264”; and

(c) entries 8 to 13 shall be renumbered as entries 9 to 14 respectively.

14. As from the appointed day, the Second Schedule to the Delimitation of Parliamentary and Assembly Constituencies Order, 1956, shall stand amended as directed in the Fourth Schedule to this Act.

Delimitation of assembly constituencies.

15. (1) Every sitting member of the Legislative Assembly of Bombay representing a constituency which on the appointed day by virtue of the provisions of section 14 stands transferred, whether with or without alteration of boundaries, to the State of Gujarat shall, as from that day, cease to be a member of the Legislative Assembly of Bombay and shall be deemed to have been elected to the Legislative Assembly of Gujarat by that constituency as so transferred.

Allocation of members.

(2) All other sitting members of the Legislative Assembly of Bombay shall become members of the Legislative Assembly of

Maharashtra and any such sitting member * * * * * representing a constituency the extent or the name and extent of which are altered by virtue of the provisions of section 14 shall be deemed to have been elected to the * * Legislative Assembly of Maharashtra by that constituency as so altered.

5

(3) The sitting member of the Legislative Assembly of Bombay nominated to that Assembly under article 333 to represent the Anglo-Indian community shall be deemed to have been nominated to represent the said community in the Legislative Assembly of Maharashtra under that article.

10

Duration of
Legislative
Assem lies.

16. The period of five years referred to in clause (1) of article 172 of the Constitution shall, in the case of the Legislative Assembly of Maharashtra or Gujarat, be deemed to have commenced on the date on which it actually commenced in the case of the Legislative Assembly of Bombay.

15

Speakers and
Deputy
Speakers.

17. (1) The persons who immediately before the appointed day are the Speaker and Deputy Speaker of the Legislative Assembly of Bombay shall * * be the Speaker and Deputy Speaker respectively of the Legislative Assembly of Maharashtra.

(2) As soon as may be after the appointed day, the Legislative Assembly of Gujarat shall choose two members of that Assembly to be respectively Speaker and Deputy Speaker thereof and until they are so chosen, the duties of the office of Speaker shall be performed by such member of the Assembly as the Governor may appoint for the purpose.

25

Rules of
procedure.

18. The rules as to procedure and conduct of business in force immediately before the appointed day with respect to the Legislative Assembly of Bombay shall, until rules are made under clause (1) of article 208, have effect in relation to the Legislative Assembly of Maharashtra or of Gujarat, subject to such modifications and adaptations as may be made therein by the Speaker thereof.

30

Special pro-
visions in
relation to
Gujarat Le-
gislative As-
sembly.

19. (1) The total number of seats in the Legislative Assembly of Gujarat to be filled by persons chosen by direct election on the expiration of the duration of that Assembly under section 16 or on its dissolution shall be increased from 132 to 154; and accordingly, as from the date of such expiration or dissolution, in the Second Schedule to the Representation of the People Act, 1950, in entry 4, for the figures "132", the figures "154" shall be substituted.

35

43 of 195

(2) For the purpose of giving effect to the provisions of subsection (1), the Election Commission shall determine in the manner hereinafter provided—

40

(a) the number of seats to be reserved for the scheduled castes and the scheduled tribes of the State in the Legislative

Assembly, having regard to the relevant provisions of the Constitution;

(b) the assembly constituencies into which the State shall be divided, the extent of, and the number of seats to be allotted to, each such constituency, and the number of seats, if any, to be reserved for the scheduled castes or the scheduled tribes of the State in each such constituency; and

(c) the adjustments in the boundaries and description of the extent of the parliamentary constituencies in the State that may be necessary or expedient.

(3) In determining the matters referred to in clauses (b) and (c) of sub-section (2), the Election Commission shall have regard to the provisions contained in clauses (a) to (e) of sub-section (2) of section 8 of the Delimitation Commission Act, 1952.

(4) For the purpose of assisting the Election Commission in the performance of its functions under sub-section (2), the Commission shall associate with itself such five persons as the Central Government shall by order specify, being persons who are members either of the Legislative Assembly of the State or of the House of the People representing the State:

Provided that none of the said associate members shall have a right to vote or to sign any decision of the Election Commission.

(5) The Election Commission shall—

(a) publish its proposals in regard to matters mentioned in sub-section (2) in the Official Gazette of the State together with a notice specifying the date on or after which the proposals will be further considered by it;

(b) consider all objections and suggestions which may have been received by it before the date so specified, and for the purpose of such consideration, hold one or more public sittings at such place or places as it thinks fit;

(c) make an order revising to such extent as may be necessary or expedient the Schedules to the Delimitation of Parliamentary and Assembly Constituencies Order, 1956, in so far as they relate to the State; and

(d) send authenticated copies of the order to the Central Government and to the State Government.

(6) As soon as may be after the said order is received by the Central Government or the State Government, it shall be laid before the House of the People or, as the case may be, the Legislative Assembly of the State.

(7) An order made by the Election Commission under this section shall have the full force of law and shall not be called in question in any court.

The Legislative Council

Amendment of article 168 of the Constitution. 20. As from the appointed day, in article 168 of the Constitution, in sub-clause (a) of clause (1), the word "Bombay" shall be omitted, and after the word "Madras", the word "Maharashtra" shall be inserted. 5

Legislative Council of Maharashtra. 21. As from the appointed day, there shall be 78 seats in the Legislative Council of Maharashtra, and in the Third Schedule to the Representation of the People Act, 1950,— 10 43 of 1950.

(a) the entry No. 3 relating to Bombay shall be omitted and the existing entries 4 and 5 shall be renumbered as entries 3 and 4 respectively;

(b) after the entry relating to Madras, the following entry shall be inserted, namely:— 15

"5. Maharashtra... 78 22 7 7 30 12."

Council constituencies. 22. As from the appointed day, the Delimitation of Council Constituencies (Bombay) Order, 1951 shall stand amended as directed in the Fifth Schedule. 20

Provision as to certain sitting members. 23. (1) On the appointed day—

(a) the sitting members of the Legislative Council of Bombay specified in the Sixth Schedule shall cease to be members of that Council; and

(b) all other sitting members of that Council shall become members of the Legislative Council of Maharashtra and any such sitting member representing a council constituency the extent of which is altered by virtue of the provisions of section 22 shall be deemed to have been elected to the Legislative Council of Maharashtra by that constituency as so altered. 25 30

(2) The term of office of the members referred to in clause (b) of sub-section (1) shall remain unaltered.

Special provision as to biennial elections. 24. (1) Notwithstanding anything contained in section 16 of the Representation of the People Act, 1951, no notification under that section shall be published before the appointed day for holding biennial elections to fill the seats of members of the Legislative Council of Bombay, retiring on the expiration of their term of office on the 24th day of April, 1960. 35 43 of 1951.

(2) The term of office of the members of the said Council elected to fill the vacancies at the said biennial elections shall expire on the 24th day of April, 1966. 40

25. (1) The person who immediately before the appointed day is the Deputy Chairman of the Legislative Council of Bombay shall * * * be the Deputy Chairman of the Legislative Council of Maharashtra.

Chairman
and Deputy
Chairman.

5 (2) As soon as may be after the completion of the biennial elections referred to in section 24, the Legislative Council of Maharashtra shall choose one of its members * * * to be the Chairman thereof.

Scheduled Castes and Scheduled Tribes

10 26. As from the appointed day, the Constitution (Scheduled Castes) Order, 1950, shall stand amended as directed in the Seventh Schedule.

Amendment
of the Sched-
uled Castes
Order.

15 27. As from the appointed day, the Constitution (Scheduled Tribes) Order, 1950, shall stand amended as directed in the Eighth Schedule.

Amendment
of the Sched-
uled Tribes
Order.

PART IV

HIGH COURTS

28. (1) As from the appointed day, there shall be a separate High Court for the State of Gujarat (hereinafter referred to as "the High Court of Gujarat") and the High Court of Bombay shall become the High Court for the State of Maharashtra (hereinafter referred to as the High Court at Bombay).

High Court
for Gujarat.

(2) The principal seat of the High Court of Gujarat shall be at such place as the President may, by notified order, appoint.

25 (3) Notwithstanding anything contained in sub-section (2), the Judges and division courts of the High Court of Gujarat may sit at such other place or places in the State of Gujarat other than its principal seat as the Chief Justice may, with the approval of the Governor of Gujarat, appoint.

30 29. (1) Such of the Judges of the High Court of Bombay holding office immediately before the appointed day as may be determined by the President shall on that day cease to be Judges of the High Court at Bombay and become Judges of the High Court of Gujarat.

Judges of
Gujarat High
Court.

35 (2) The persons who by virtue of sub-section (1) become Judges of the High Court of Gujarat shall, except in the case where any such person is appointed to be the Chief Justice of that High Court, rank in that Court according to the priority of their respective appointments as Judges of the High Court of Bombay.

40 30. The High Court of Gujarat shall have, in respect of any part of the territories included in the State of Gujarat, all such

Jurisdiction
of Gujarat
High Court.

jurisdiction, powers and authority as, under the law in force immediately before the appointed day, are exercisable in respect of that part of the said territories by the High Court of Bombay.

Power to
enrol advo-
cates, etc.

31. (1) The High Court of Gujarat shall have the like powers to approve, admit, enrol, remove and suspend advocates and attorneys, 5 and to make rules with respect to advocates and attorneys, as are, under the law in force immediately before the appointed day, exercisable by the High Court of Bombay.

(2) The right of audience in the High Court of Gujarat shall be regulated in accordance with the like principles as, immediately 10 before the appointed day, are in force with respect to the right of audience in the High Court of Bombay:

Provided that, subject to any rule made or direction given by the High Court of Gujarat in exercise of the powers conferred by this section, any person who immediately before the appointed day is an advocate entitled to practise, or an attorney entitled to act, in the High Court of Bombay shall be recognised as an advocate or an attorney entitled to practise or to act, as the case may be, in the High Court of Gujarat.

Practice and
procedure
in Gujarat
High Court.

32. Subject to the provisions of this Part, the law in force imme- 20 diately before the appointed day with respect to practice and procedure in the High Court of Bombay shall, with the necessary modifications, apply in relation to the High Court of Gujarat, and accordingly, the High Court of Gujarat shall have all such powers to make rules and orders with respect to practice and procedure as are imme- 25 diately before the appointed day exercisable by the High Court of Bombay:

Provided that any rules or orders which are in force immediately before the appointed day with respect to practice and procedure in the High Court of Bombay shall, until varied or revoked by rules or 30 orders made by the High Court of Gujarat, apply with the necessary modifications in relation to practice and procedure in the High Court of Gujarat as if made by that Court.

Custody of
seal of Guja-
rat High
Court.

33. The law in force immediately before the appointed day with respect to the custody of the seal of the High Court of Bombay shall, 35 with the necessary modifications, apply with respect to the custody of the seal of the High Court of Gujarat.

Form of
writs and
other pro-
cesses.

34. The law in force immediately before the appointed day with respect to the form of writs and other processes used, issued or awarded by the High Court of Bombay shall, with the necessary 40 modifications, apply with respect to the form of writs and other processes used, issued or awarded by the High Court of Gujarat.

35. The law in force immediately before the appointed day relating to the powers of the Chief Justice, single Judges and division courts of the High Court of Bombay and with respect to all matters ancillary to the exercise of those powers shall, with the necessary
5 modifications, apply in relation to the High Court of Gujarat.

Powers of Judges.

36. The law in force immediately before the appointed day relating to appeals to the Supreme Court from the High Court of Bombay and the Judges and division courts thereof shall, with the necessary
modifications, apply in relation to the High Court of Gujarat.

Procedure as to appeals to Supreme Court.

10 37. (1) Except as hereinafter provided, the High Court at Bombay shall, as from the appointed day, have no jurisdiction in respect of the transferred territory.

Transfer of proceedings from Bombay High Court to Gujarat High Court.

(2) Such proceedings pending in the High Court of Bombay immediately before the appointed day as are certified, whether
15 before or after that day, by the Chief Justice of that High Court, having regard to the place of accrual of the cause of action and other circumstances, to be proceedings which ought to be heard and decided by the High Court of Gujarat shall, as soon as may be after such certification, be transferred to the High Court of Gujarat.

20 (3) Notwithstanding anything contained in sub-sections (1) and (2) of this section or in section 30, but save as hereinafter provided, the High Court at Bombay shall have, and the High Court of Gujarat shall not have, jurisdiction to entertain, hear or dispose of appeals, applications for leave to appeal to the Supreme Court, applications
25 for review and other proceedings where any such proceedings seek any relief in respect of any order passed by the High Court of Bombay before the appointed day:

Provided that if after any such proceedings have been entertained by the High Court at Bombay, it appears to the Chief Justice of that
30 High Court that they ought to be transferred to the High Court of Gujarat, he shall order that they shall be so transferred, and such proceedings shall thereupon be transferred accordingly.

(4) Any order made by the High Court of Bombay—

(a) before the appointed day, in any proceedings transferred to the High Court of Gujarat by virtue of sub-section
35 (2), or

(b) in any proceedings with respect to which the High Court at Bombay retains jurisdiction by virtue of sub-section
(3),

shall for all purposes have effect, not only as an order of the High Court at Bombay, but also as an order made by the High Court of Gujarat.

Right to appear or to act in proceedings transferred to Gujarat High Court.

38. Any person, who, immediately before the appointed day, is an advocate entitled to practise, or an attorney entitled to act, in the High Court of Bombay and was authorised to appear or to act in any proceedings transferred from that High Court to the High Court of Gujarat under section 37, shall have the right to appear or to act, as the case may be, in the High Court of Gujarat in relation to those proceedings.

10

Interpretation.

39. For the purposes of section 37—

(a) proceedings shall be deemed to be pending in a court until that court has disposed of all issues between the parties, including any issues with respect to the taxation of the costs of the proceedings and shall include appeals, applications for leave to appeal to the Supreme Court, applications for review, petitions for revision and petitions for writs;

15

(b) references to a High Court shall be construed as including references to a Judge or division court thereof, and references to an order made by a court or a Judge shall be construed as including references to a sentence, judgment or decree passed or made by that court or Judge.

20

Savings.

40. Nothing in this Part shall affect the application to the High Court of Gujarat of any provisions of the Constitution, and this Part shall have effect subject to any provision that may be made on or after the appointed day with respect to that High Court by any Legislature or other authority having power to make such provision.

25

Permanent Bench of Bombay High Court at Nagpur.

41. Without prejudice to the provisions of section 51 of the States Reorganisation Act, 1956, such Judges of the High Court at Bombay, being not less than three in number, as the Chief Justice may from time to time nominate, shall sit at Nagpur in order to exercise the jurisdiction and power for the time being vested in that High Court in respect of cases arising in the districts of Buldana, Akola, Amravati, Yeotmal, Wardha, Nagpur, Bhandara, Chanda and Rajura:

37 of 1956.

30

Provided that the Chief Justice may, in his discretion, order that any case arising in any such district shall be heard at Bombay.

35

PART V

AUTHORISATION OF EXPENDITURE

Authorisation of expenditure of Gujarat State.

42. The Governor of Bombay may, at any time before the appointed day, authorise such expenditure from the Consolidated Fund of the State of Gujarat as he deems necessary for a period of not more

40

than six months beginning with the appointed day pending the sanction of such expenditure by the Legislature of the State of Gujarat:

Provided that the Governor of Gujarat may, after the appointed day, authorise such further expenditure as he deems necessary from the Consolidated Fund of the State of Gujarat for any period not extending beyond the said period of six months.

43. (1) The reports of the Comptroller and Auditor-General of India referred to in clause (2) of article 151 relating to the accounts of the State of Bombay in respect of any period prior to the appointed day shall be submitted to the Governor of each of the States of Maharashtra and Gujarat who shall cause them to be laid before the Legislature of the State.

Reports relating to accounts of Bombay State.

(2) The President may by order—

(a) declare any expenditure incurred out of the Consolidated Fund of Bombay on any service in respect of any period prior to the appointed day during the financial year 1960-61 or in respect of any earlier financial year in excess of the amount granted for that service and for that year as disclosed in the reports referred to in sub-section (1) to have been duly authorised, and

(b) provide for any action to be taken on any matter arising out of the said reports.

44. The allowances and privileges of the Governor of Gujarat shall, until provision in that behalf is made by Parliament by law under clause (3) of article 158, be such as the President may, by order, determine.

Allowances and privileges of Governor of Gujarat.

55 of 1957.
57 of 1957.
58 of 1957.

45. (1) Section 3 of the Union Duties of Excise (Distribution) Act, 1957, sections 3 and 5 of the Estate Duty and Tax on Railway Passenger Fares (Distribution) Act, 1957, section 4 of, and the Second Schedule to, the Additional Duties of Excise (Goods of Special Importance) Act, 1957, and paragraph 3 of the Constitution (Distribution of Revenues) No. 2 Order, 1957, shall have effect subject to such modifications as are specified in the Ninth Schedule.

Distribution of revenues.

(2) The total amount payable to the State of Maharashtra under the enactments and Order referred to in sub-section (1) in respect of the part of the financial year 1960-61 beginning with the appointed day and in respect of the financial year 1961-62 shall be reduced by a sum of 602 lakhs of rupees and 614 lakhs of rupees, respectively and the total amount payable to the State of Gujarat, under those enactments and Order in respect of each of those periods shall be correspondingly increased.

PART VI

APPORTIONMENT OF ASSETS AND LIABILITIES

Application
of Part.

46. The provisions of this Part shall apply in relation to the apportionment of the assets and liabilities of the State of Bombay immediately before the appointed day.

5

Land and
goods.

47. (1) Subject to the other provisions of this Part, all land and all stores, articles and other goods belonging to the State of Bombay shall,—

(a) if within the transferred territory, pass to the State of Gujarat; or

10

(b) in any other case, remain the property of the State of Maharashtra:

Provided that where the Central Government is of opinion that any goods or class of goods should be distributed otherwise than according to the situation of the goods, the Central Government may issue such directions as it thinks fit for a just and equitable distribution of the goods and the goods shall remain the property of the State of Maharashtra or, as the case may be, pass to the State of Gujarat, accordingly.

(2) Any such stores of the State of Bombay as are referred to in the Tenth Schedule shall be divided between the States of Maharashtra and Gujarat in the manner specified therein.

(3) In this section, the expression "land" includes immovable property of every kind and any rights in or over such property, and the expression "goods" does not include coins, bank notes and currency notes.

Treasury
and bank
balances.

48. The total of the cash balances in all treasuries of the State of Bombay and the credit balances of that State with the Reserve Bank of India, the State Bank of India and the State Bank of Saurashtra immediately before the appointed day shall be divided between the States of Maharashtra and Gujarat according to the population ratio:

Provided that for the purposes of such division, there shall be no transfer of cash balances from any treasury to any other treasury and the apportionment shall be effected by adjusting the credit balances of the two States in the books of the Reserve Bank of India on the appointed day:

Provided further that if the State of Gujarat has no account on the appointed day with the Reserve Bank of India, the adjustment shall be made in such manner as the Central Government may, by order, direct.

49. The right to recover arrears of any tax or duty on property, including arrears of land revenue, shall belong to the State in which the property is situated, and the right to recover arrears of any other tax or duty shall belong to the State in whose territories the place of assessment of that tax or duty is included on the appointed day:

Arrears of taxes.

74 of 1956.
Bom. Act LI
of 1959.

10 Provided that any sum recovered after the appointed day in respect of any arrears of tax accruing during the period between the 1st day of January, 1960, and the 30th day of April, 1960 (both days inclusive) under the Central Sales Tax Act, 1956, or the Bombay Sales Tax Act, 1959, shall, after deducting the cost of collection thereof, be divided between the States of Maharashtra and Gujarat according to the population ratio.

50. (1) The right of the State of Bombay to recover any loans or advances made before the appointed day to any local body, society, agriculturist or other person in an area within that State shall belong to the State in which that area is included on that day.

Right to recover loans and advances.

(2) The right of the State of Bombay to recover any loans or advances made before the appointed day to any person or institution outside that State shall belong to the State of Maharashtra:

Provided that any sum recovered in respect of any such loan or advance shall be divided between the States of Maharashtra and Gujarat according to the population ratio.

51. (1) Out of the investments of the State of Bombay made before the appointed day in the cash balance investment account of the State, such securities of the value of ten crores of rupees, as the Central Government may by order specify, shall pass to the State of Gujarat in connection with the construction of a capital for that State; and the remaining investments in the said account shall be divided between the States of Maharashtra and Gujarat according to the population ratio.

Credits in certain funds.

(2) The investments of the State of Bombay immediately before the appointed day in the State Famine Relief Fund, the State Road Fund, the Fund for Development Schemes, the Insurance Fund, the Bombay State Milk Fund, the Securities Adjustment Reserve Fund and any other general fund and the sums at the credit of that State in the Central Road Fund shall be divided between the States of Maharashtra and Gujarat according to the population ratio.

(3) The investments of the State of Bombay immediately before the appointed day in the Dangs District Reserve Fund, the Port Reserve Fund, the Port Development Fund and the Anand Institute Fund shall pass to the State of Gujarat and the investments in any other special fund the objects of which are confined to a local area shall belong to the State in which that area is included on the appointed day. 5

(4) The investments of the State of Bombay immediately before the appointed day in any private commercial or industrial undertaking, in so far as such investments have not been made or are deemed not to have been made from the cash balance investment account, shall pass to the State in which the principal seat of business of the undertaking is located. 10

(5) Where any body corporate constituted under a Central Act, State Act or Provincial Act for the State of Bombay or any part thereof has, by virtue of the provisions of Part II, become an inter-State body corporate, the investments in, or loans or advances to, any such body corporate by the State of Bombay made before the appointed day shall, save as otherwise expressly provided by or under this Act, be divided between the States of Maharashtra and Gujarat in the same proportion in which the assets of the body corporate are divided under the provisions of Part VII. 15 20

Special
Revenue
Reserve
Fund in
Gujarat.

52. (1) Out of the investments in the cash balance investment account which remain with the State of Maharashtra after giving effect to the provisions of section 51, such securities of the value of 1,420 lakhs of rupees as the Central Government may by order specify shall stand transferred to the State of Gujarat. 25

(2) There shall be constituted in the State of Gujarat a Fund to be called the Special Revenue Reserve Fund consisting of the securities transferred to that State under sub-section (1) and such other securities belonging to the State of Gujarat of the value of 1,419 lakhs of rupees as the Central Government may by order specify. 30

(3) From and out of the fund constituted under sub-section (2), there shall be transferred as receipts in the revenue account of the State of Gujarat in each of the financial years specified in column 1 of the following Table a sum set out against that year in column 2 thereof, and in the financial year 1969-70, the balance, if any, remaining in that fund:— 35

TABLE

<i>Financial year</i>	<i>Amount in lakhs of rupees.</i>
(1)	(2)
1962-63	612
1963-64	585

TABLE—contd.

	Financial year	Amount in lakhs of rupees.
	(1)	(2)
5	1964-65	561
	1965-66	526
	1966-67	433
	1967-68	340
	1968-69	209
10	53. (1) The assets and liabilities relating to any commercial or industrial undertaking of the State of Bombay shall pass to the State in which the undertaking is located.	
	Assets and liabilities of State undertakings.	
	(2) Where a depreciation reserve fund is maintained by the State of Bombay for any such commercial or industrial undertaking,	
15	the securities held in respect of investments made from that fund shall pass to the State in which the undertaking is located.	
	54. (1) The public debt of the State of Bombay attributable to	
	loans raised by the issue of Government securities and outstanding with the public immediately before the appointed day shall, as from	
20	that day, be the debt of the State of <u>Maharashtra</u> :	
	Public debt.	
	Provided that—	
	(a) the State of Gujarat shall be liable to pay to the State of <u>Maharashtra</u> its share of the sums due from time to time for the servicing and repayment of the debt; and	
25	(b) for the purpose of determining the said share, the debt shall be deemed to be divided between the States of <u>Maharashtra</u> and Gujarat as if it were a debt referred to in sub-section (2) or sub-section (3), as the case may be.	
	(2) The public debt of the State of Bombay attributable to loans taken from the Central Government, the National Co-operative	
30	Development and Warehousing Board or the Khadi and Village Industries Commission or from any other source for the express purpose of re-lending the same to a specific institution and outstanding immediately before the appointed day shall,—	
35	(a) if re-lent to any local body, body corporate or other institution in any local area, be the debt of the State in which the local area is included on the appointed day; or	
40	(b) if re-lent to the Bombay State Electricity Board, the Bombay State Road Transport Corporation, or the Bombay Housing Board or any other institution which becomes an inter-State institution on the appointed day, be divided between the	

States of Maharashtra and Gujarat in the same proportion in which the assets of such body corporate or institution are divided under the provisions of Part VII.

(3) The remaining public debt of the State of Bombay attributable to loans taken from the Central Government, the Reserve Bank of India or any other body corporate and outstanding immediately before the appointed day shall be divided between the States of Maharashtra and Gujarat in proportion to the total expenditure on all capital works and other capital outlays incurred or deemed to have been incurred up to the appointed day in the territories included respectively in each of those States:

Provided that for the purposes of such division, only the expenditure on assets for which capital accounts have been kept shall be taken into account.

Explanation.—Where any expenditure on capital works or other capital outlays cannot be allocated between the territories included in the States of Maharashtra and Gujarat, such expenditure shall, for the purposes of this sub-section, be deemed to have been incurred in those territories according to the population ratio.

(4) Where a sinking fund or a depreciation fund is maintained by the State of Bombay for repayment of any loan raised by it, the securities held in respect of investments made from that fund shall be divided between the States of Maharashtra and Gujarat in the same proportion in which the total public debt is divided between the two States under this section.

Explanation.—For the purposes of this sub-section, the fund in the public account of the State of Bombay known as the Debt Redemption and Avoidance Fund shall be deemed to be a sinking fund.

(5) The share of the State of Gujarat in the liability on account of public debt apportioned under sub-section (3) shall be reduced by 1,419 lakhs of rupees and the share of the State of Maharashtra in such liability shall be correspondingly increased.

(6) In this section, the expression "Government security" means a security created and issued by a State Government for the purpose of raising a public loan and having any of the forms specified in, or prescribed under, clause (2) of section 2 of the Public Debt

55. (1) The liability of the State of Bombay in respect of any floating debt of a Merged State shall be the liability of the State in whose territories the area of the Merged State is included on the appointed day. Floating Debt.

5 (2) The liability of the State of Bombay in respect of any other floating loan to provide short-term finance to any commercial undertaking shall be the liability of the State in whose territories the undertaking is located.

56. The liability of the State of Bombay to refund any tax or duty on property, including land revenue, collected in excess shall be the liability of the State in which the property is situated, and the liability of the State of Bombay to refund any other tax or duty collected in excess shall be the liability of the State in whose territories the place of assessment of that tax or duty is included: Refund of taxes collected in excess.

15 Provided that the liability to refund any amount after the appointed day * * * * * on account of any excess collected in respect of any tax accruing during the period between the 1st day of January, 1960, and the 30th day of April, 1960 (both days inclusive) under the Central Sales Tax Act, 1956 or the Bombay Sales Tax Act, 1959, shall * * * * * be shared between the two States of Maharashtra and Gujarat according to the population ratio. 74 of 1956.
Bomb. Act
LI of 1959.

57. (1) The liability of the State of Bombay in respect of any civil deposit or local fund deposit shall, as from the appointed day, be the liability of the State in whose area the deposit has been made. Deposits, etc.

25 (2) The liability of the State of Bombay in respect of any charitable or other endowment shall, as from the appointed day, be the liability of the State in whose area the institution entitled to the benefit of the endowment is located or of the State to which the objects of the endowment, under the terms thereof, are confined.

30 58. The liability of the State of Bombay in respect of the provident fund account of a Government servant in service on the appointed day shall, as from that day, be the liability of the State to which that Government servant is permanently allotted. Provident fund.

59. The liability of the State of Bombay in respect of pensions shall pass to, or be apportioned between, the States of Maharashtra Pensions.

and Gujarat in accordance with the provisions contained in the Eleventh Schedule.

Contracts.

60. (1) Where, before the appointed day, the State of Bombay has made any contract in the exercise of its executive power for any purposes of the State, that contract shall be deemed to have been made in the exercise of the executive power,—

(a) if such purposes are, as from that day, exclusively purposes of either the State of Maharashtra or the State of Gujarat, of that State; and

(b) in any other case, of the State of Maharashtra; 10

and all rights and liabilities which have accrued, or may accrue, under any such contract shall, to the extent to which they would have been rights or liabilities of the State of Bombay, be rights or liabilities of the State of Maharashtra or the State of Gujarat, as the case may be; 15

Provided that in any such case as is referred to in clause (b), the initial allocation of rights and liabilities made by this sub-section shall be subject to such financial adjustment as may be agreed upon between the State of Maharashtra and the State of Gujarat or, in default of such agreement, as the Central Government may by order direct.

(2) For the purposes of this section, there shall be deemed to be included in the liabilities which have accrued or may accrue under any contract—

(a) any liability to satisfy an order or award made by any court or other tribunal in proceedings relating to the contract; and

(b) any liability in respect of expenses incurred in or in connection with any such proceedings.

(3) This section shall have effect subject to the other provisions of this Part relating to the apportionment of liabilities in respect of loans, guarantees and other financial obligations; and bank balances and securities shall, notwithstanding that they partake of the nature of contractual rights, be dealt with under those provisions. 30

Liability in respect of actionable wrong.

61. Where, immediately before the appointed day, the State of Bombay is subject to any liability in respect of any actionable wrong other than breach of contract, that liability shall,— 35

(a) if the cause of action arose wholly within the territories which, as from that day, are the territories of the State of Maharashtra or the State of Gujarat, be a liability of that State; and 40

(b) in any other case, be initially a liability of the State of Maharashtra, but subject to such financial adjustment as may be agreed upon between the States of Maharashtra and Gujarat or, in default of such agreement, as the Central Government may by order direct.

62. Where, immediately before the appointed day, the State of Bombay is liable as guarantor in respect of any liability of a registered cooperative society or other person, that liability shall,—

Liability
as guarantor.

(a) if the area of operations of such society or person is limited to the territories which, as from that day, are the territories of the State of Maharashtra or of the State of Gujarat, be a liability of that State; and

(b) in any other case, be initially a liability of the State of Maharashtra, subject to such financial adjustment as may be agreed upon between the States of Maharashtra and Gujarat or, in default of such agreement, as the Central Government may by order direct.

63. If any item in suspense is ultimately found to affect an asset or liability of the nature referred to in any of the foregoing provisions of this Part, it shall be dealt with in accordance with that provision.

Items in
suspense.

64. The benefit or burden of any asset or liability of the State of Bombay not dealt with in the foregoing provisions of this Part shall pass to the State of Maharashtra in the first instance, subject to such financial adjustment as may be agreed upon between the States of Maharashtra and Gujarat before the 1st day of April, 1961 or, in default of such agreement, as the Central Government may by order direct.

Residuary
provision.

65. Where the States of Maharashtra and Gujarat agree that the benefit or burden of any particular asset or liability should be apportioned between them in a manner other than that provided for in the foregoing provisions of this Part, then, notwithstanding anything contained therein, the benefit or burden of that asset or liability shall be apportioned in the manner agreed upon.

Apportion-
ment of
assets or
liabilities by
agreement.

66. Where, by virtue of any of the provisions of this Part, any of the States of Maharashtra and Gujarat becomes entitled to any property or obtains any benefits or becomes subject to any liability, and the Central Government, on a reference made within a period of three years from the appointed day by either of the States, is of opinion that it is just and equitable that that property or those

Power of
Central
Government
to order
allocation or
adjustment
in certain
cases.

benefits should be transferred to, or shared with, the other State or that a contribution towards that liability should be made by the other State, the said property or benefits shall be allocated in such manner between the two States, or the other State shall make to the State subject to the liability such contribution in respect thereof, 5 as the Central Government may, after consultation with the two State Governments, by order determine.

Certain expenditure to be charged on Consolidated Fund.

67. All sums payable either by the State of Maharashtra or by the State of Gujarat to the other State or by the Central Government to either of those States, by virtue of the provisions of this Act, shall 10 be charged on the Consolidated Fund of the State by which such sums are payable or, as the case may be, the Consolidated Fund of India.

PART VII

PROVISIONS AS TO CERTAIN CORPORATIONS

15

Provisions as to Bombay State Electricity Board and State Warehousing Corporation.]

68. (1) The following bodies corporate constituted for the State of Bombay, namely:—

(a) the State Electricity Board constituted under the Electricity Supply Act, 1948; and

14 of 1948.

(b) the State Warehousing Corporation established under 20 the Agricultural Produce (Development and Warehousing) Corporations Act, 1956.

28 of 1956.

shall, as from the appointed day, continue to function in those areas in respect of which they were functioning immediately before that day, subject to the provisions of this section and to such direc- 25 tions as may, from time to time, be issued by the Central Government.

(2) Any directions issued by the Central Government under sub-section (1) in respect of the Board or the Corporation shall include a direction that the Act under which the Board or the Cor- 30 poration was constituted shall, in its application to that Board or Corporation, have effect subject to such exceptions and modifications as the Central Government thinks fit.

(3) The Board or the Corporation referred to in sub-section (1) shall cease to function as from, and shall be deemed to be dissolved 35 on, the 1st day of October, 1960, or such earlier date as the Central Government may, by order, appoint; and upon such dissolution, its assets, rights and liabilities shall be apportioned between the State of Maharashtra and the State of Gujarat in such manner as may be

agreed upon between them within one year of the dissolution of the Board or the Corporation, as the case may be, or if no agreement is reached, in such manner as the Central Government may by order determine.

5 (4) Nothing in the preceding provisions of this section shall be construed as preventing the Government of the State of Maharashtra or, as the case may be, the Government of the State of Gujarat from constituting, at any time on or after the appointed day, a State Electricity Board or a State Warehousing Corporation for
10 that State under the provisions of the Act relating to such Board or Corporation; and if such a Board or Corporation is so constituted in either of the States before the dissolution of the Board or the Corporation referred to in sub-section (1),—

15 (a) provision may be made by order of the Central Government enabling the new Board or the new Corporation to take over from the existing Board or Corporation all or any of its undertakings, assets, rights and liabilities in that State, and

20 (b) upon the dissolution of the existing Board or Corporation, any assets, rights and liabilities which would otherwise have passed to that State by or under the provisions of sub-section (3) shall pass to the new Board or the new Corporation instead of to that State.

69. If it appears to the Central Government that the arrangement in regard to the generation or supply of electric power or the supply of water for any area or in regard to the execution of any project for such generation or supply has been or is likely to be modified to the disadvantage of that area by reason of the fact that it is, by virtue of the provisions of Part II, outside the State in which the power stations and other installations for the generation and supply of such power, or the catchment area, reservoirs and other works for the supply of water, as the case may be, are located, the Central Government may give such directions as it deems proper to the State Government or other authority concerned for the maintenance, so far as practicable, of the previous arrangement.

Continuance of arrangements in regard to generation and supply of electric power and supply of water.

70. (1) The Bombay State Financial Corporation established under the State Financial Corporations Act, 1951 shall, as from the appointed day, continue to function in those areas in respect of which it was functioning immediately before that day, subject to the provisions of this section and to such directions as may, from time to time, be issued by the Central Government.

Provisions as to Bombay State Financial Corporation.

(2) Any directions issued by the Central Government under sub-section (1) in respect of the Corporation shall include a direction that the said Act, in its application to the Corporation, shall have effect subject to such exceptions and modifications as may be specified in the direction. 5

(3) A general meeting of the Corporation shall be convened, in accordance with the rules to be made in this behalf by the Central Government, by the Board thereof before the 31st day of July, 1960, or within such further time as the Central Government may allow, for the consideration of a scheme for the reconstitution or reorganisation or dissolution, as the case may be, of the Corporation, including proposals regarding the formation of new corporations, and the transfer thereto of the assets, rights and liabilities of the existing Corporation, and if such a scheme is approved at the general meeting by a resolution passed by a majority of the shareholders present and voting, the scheme shall be submitted to the Central Government for its sanction. 10 15

(4) If the scheme is sanctioned by the Central Government either without modifications or with modifications which are approved at a general meeting, the Central Government shall certify the scheme, and upon such certification, the scheme shall, notwithstanding anything to the contrary contained in any law for the time being in force, be binding on the corporations affected by the scheme as well as the shareholders and creditors thereof. 20

(5) If the scheme is not so approved or sanctioned, the Central Government may refer the scheme to such Judge of the High Court at Bombay as may be nominated in this behalf by the Chief Justice thereof, and the decision of the Judge in regard to the scheme shall be final and shall be binding on the corporations affected by the scheme as well as the shareholders and creditors thereof. 25 30

(6) Nothing in the preceding provisions of this section shall be construed as preventing the Government of the State of Gujarat from constituting, at any time on or after the appointed day, a State Financial Corporation for that State under the State Financial Corporations Act, 1951. 35

63 of 1951.

Amendment
of Act 64 of
1950.

71. In the Road Transport Corporations Act, 1950,—

(1) in section 47A,—

(a) in sub-section (1),—

(i) for the words, letters and figures, "the whole or any part of a State in respect of which a Corporation was, immediately before the 1st day of November, 40

1956," the words "or any other enactment relating to reorganisation of States, the whole or any part of a State in respect of which a Corporation was, immediately before the day on which the reorganisation takes place," shall be substituted;

(ii) in the *Explanation*, for clause (i), the following clause shall be substituted, namely:—

"(i) in relation to the Bombay State Road Transport Corporation, shall mean the Government of the State of Maharashtra or of Gujarat as formed under the Bombay Reorganisation Act, 1960;"

(b) in sub-section (3), in clause (f), after the words and figures "the States Reorganisation Act, 1956", the words "or any other enactment relating to reorganisation of States" shall be inserted;

(2) after section 47A, the following section shall be inserted, namely:—

"48. Notwithstanding anything contained in section 47A, it shall be lawful for the Government of the State of Bombay to frame a scheme under sub-section (1) thereof and forward the same to the Central Government before the 1st day of May, 1960, and in such a case, the power conferred on the Central Government to make an order under sub-section (2) thereof may be exercised before that day but no order so made shall take effect till that day."

Transitional provision relating to the Bombay State Road Transport Corporation.

72. (1) In the Indian Bar Councils Act, 1926,—

(a) in section 4,—

(i) to sub-section (2), the following *Explanation* shall be added, namely:—

"*Explanation*.—For the purpose of election to the Bar Council for the High Court of Gujarat, the period of ten years aforesaid shall be computed after taking into account the period for which the person concerned was entitled as of right to practise in the High Court of Bombay or of Saurashtra or in the Judicial Commissioner's Court of Kutch before the 1st day of May, 1960;"

(ii) for the proviso to sub-section (4), the following proviso shall be substituted, namely:—

"Provided that the Advocates-General of West Bengal, Madras, Maharashtra and Gujarat shall be Chair

Special provision for Bar Council of Gujarat.

of 1926.

men *ex-officio*, respectively, of the Bar Councils constituted for the High Courts of those States.”;

(b) after section 5, the following section shall be inserted, namely:—

Ad hoc
Bar Council
for Gujarat
High Court.

“5A. Notwithstanding anything contained in this Act, 5 the Chief Justice of the High Court of Gujarat shall nominate the members of the first Bar Council under this Act for the High Court of Gujarat and the members so nominated shall remain in office for a period of twelve months.”.

(2) The assets and liabilities of the Bar Council for the High 10 Court of Bombay shall be divided between the Bar Councils for the High Court at Bombay and the High Court of Gujarat in such manner as may be agreed upon, and in default of such agreement, as may be directed by the Attorney-General for India.

Amendment
of Act 6
of 1942.

73. In the Multi-unit Co-operative Societies Act, 1942, after section 15 5B, the following section shall be inserted, namely:—

Transitional
provision
relating to
certain
multi-unit
co-operative
societies.

“5C. (1) Where, in respect of any co-operative society 20 specified in the Twelfth Schedule, which under the provisions of sub-section (1) of section 5A becomes a multi-unit co-operative society, the Board of Directors unanimously adopts any scheme for the reconstitution, reorganisation or dissolution of the society, including proposals for the formation of new co-operative 25 societies and the transfer thereto of the assets and liabilities and employees of that society and the State Government of Bombay certifies the scheme at any time before the 1st day of May, 1960, then notwithstanding anything contained in sub-section (2) or 30 sub-section (3) or sub-section (4) of the said section or any other law, regulation or bye-law for the time being in force in relation to that society, the scheme so certified shall be binding on all societies affected by the scheme, as well as the shareholders, creditors and employees of all such societies, subject to such 35 financial adjustments as may be directed in this behalf under sub-section (3), but no such scheme shall be given effect to before the said day.

(2) When a scheme in respect of a co-operative society is so 35 certified, the Central Registrar shall place the scheme at a meeting, held in such manner as may be prescribed by rules made under this Act, of all the persons who, immediately before the 40 date of certification of the scheme, were members of the society and the scheme may be approved by a resolution passed by a majority of the members present and voting at the said meeting.

(3) If the scheme is not so approved or is approved with modifications, the Central Registrar may refer the scheme to such Judge of the High Court at Bombay as may be nominated in this behalf by the Chief Justice thereof and the Judge may direct such financial adjustments to be made among the societies affected as he deems necessary, and the scheme shall be deemed to be approved subject to those financial adjustments.

(4) If in consequence of the directions given under sub-section (3), a society becomes liable to pay any sum of money, the State within whose area the society is located shall be liable as guarantor in respect of the payment of such money."

74. (1) Save as otherwise expressly provided by the foregoing provisions of this Part, where any body corporate constituted under a Central Act, State Act or Provincial Act for the State of Bombay or any part thereof has, by virtue of the provisions of Part II, become an inter-State body corporate, then, the body corporate shall, as from the appointed day, continue to function and operate in those areas in respect of which it was functioning and operating immediately before that day, subject to such directions as may from time to time be issued by the Central Government, until other provision is made by law in respect of the said body corporate.

General provision as to statutory corporations.

(2) Any directions issued by the Central Government under sub-section (1) in respect of any such body corporate shall include a direction that any law by which the said body corporate is governed shall, in its application to that body corporate, have effect subject to such exceptions and modifications as may be specified in the direction.

75. In the Inter-State Corporations Act, 1957, in the preamble, in section 2, in clause (f) of sub-section (2) of section 4 and in section 5, after the words and figures "the States Reorganisation Act, 1956", wherever they occur, the words "or of any other enactment relating to reorganisation of States" shall be inserted.

Amendment of Act, 38 of 1957.

76. (1) Notwithstanding anything contained in section 63 of the Motor Vehicles Act, 1939, a permit granted by the State Transport Authority of Bombay or any Regional Transport authority in that State shall, if such permit was, immediately before the appointed day, valid and effective in any area in the transferred territory, be deemed to continue to be valid and effective in that area after that day subject to the provisions of that Act as for the time being in force in that area; and it shall not be necessary for any such permit to be countersigned by the State Transport

Temporary provisions as to continuance of certain existing road transport permits.

port Authority of Gujarat or any Regional Transport Authority therein for the purpose of validating it for use in such area:

Provided that the Central Government may, after consultation with the State Governments of Maharashtra and Gujarat, add to, amend or vary the conditions attached to the permit by the Authority by which the permit was granted. 5

(2) No tolls, entrance fees or other charges of a like nature shall be levied after the appointed day in respect of any transport vehicle for its operations in the State of Gujarat under any such permit, if such vehicle was, immediately before that day, exempt from the 10 payment of any such toll, entrance fees or other charges for its operations in the transferred territory:

Provided that the Central Government may, after consultation with the State Governments of Maharashtra and Gujarat, authorise the levy of any such toll, entrance fees or other charges, as the case 15 may be.

Special provision relating to retrenchment compensation in certain cases.

77. Where on account of the reorganisation of the State of Bombay under this Act, any body corporate constituted under a Central Act, State Act or Provincial Act, any co-operative society registered under any law relating to co-operative societies or any 20 commercial or industrial undertaking of that State is reconstituted or reorganised in any manner whatsoever or is amalgamated with any other body corporate, co-operative society or undertaking, or is dissolved, and in consequence of such reconstitution, reorganisation, amalgamation or dissolution, any workman employed by such 25 body corporate or in any such co-operative society or undertaking, is transferred to, or re-employed by any other body corporate, or in any other co-operative society or undertaking, then notwithstanding anything contained in section 25F of the Industrial Disputes Act, 1947, such transfer or re-employment shall not entitle him to any 30 compensation under that section: 14 of 1947.

Provided that—

(a) the terms and conditions of service applicable to the workman after such transfer or re-employment are not less favourable to the workman than those applicable to him immediately before the transfer or re-employment; 35

(b) the employer in relation to the body corporate, the co-operative society or the undertaking where the workman is transferred or re-employed is, by agreement or otherwise, legally liable to pay to the workman, in the event of his re-trenchment, compensation under section 25F of the Industrial 40

14 of 1947.

Disputes Act, 1947, on the basis that his service has been continuous and has not been interrupted by the transfer or re-employment.

11 of 1922.

78. Where the assets, rights and liabilities of any body corporate carrying on any business are, under the provisions of this Part, transferred to any other bodies corporate which after the transfer carry on the same business, the losses of profits or gains sustained by the body corporate first mentioned which, but for such transfer, would have been allowed to be carried forward and set off in accordance with the provisions of section 24 of the Indian Income-tax Act, 1922, shall be apportioned amongst the transferee bodies corporate in accordance with the rules to be made by the Central Government in this behalf and, upon such apportionment, the share of loss allotted to each transferee body corporate shall be dealt with in accordance with the provisions of section 24 of the said Act, as if the transferee body corporate had itself sustained such loss in a business carried on by it in the years in which these losses were sustained.

Special provision as to income-tax.

79. (1) The Government of the State of Maharashtra or, as the case may be, the Government of the State of Gujarat shall, in respect of the institutions specified in the Thirteenth Schedule located in that State, continue to provide facilities to the people of the other State which shall not, in any respect, be less favourable to such people than what were being provided to them before the appointed day, for such period and upon such terms and conditions as may be agreed upon between the two State Governments before the 1st day of October, 1960, or, if not agreement is reached by the said date, as may be fixed by order of the Central Government.

Continuance of facilities in certain State institutions.

(2) The Central Government may, at any time before the 1st day of October, 1960, by notification in the Official Gazette, specify in the Thirteenth Schedule any other institution existing on the appointed day in the State of Maharashtra or of Gujarat, and on the issue of such notification, the Schedule shall be deemed to be amended by the inclusion of the said institution therein.

PART VIII

PROVISIONS AS TO SERVICES

80. (1) In this section, the expression "State cadre"—

(a) in relation to the Indian Administrative Service, has the meaning assigned to it in the Indian Administrative Service (Cadre) Rules, 1954, and

(b) in relation to the Indian Police Service, has the meaning assigned to it in the Indian Police Service (Cadre) Rules, 1954.

Provisions relating to All-India Services.

(2) In place of the cadres of the Indian Administrative Service and the Indian Police Service existing in the State of Bombay immediately before the appointed day, there shall, as from that day, be two separate cadres, one for the State of Maharashtra, and the other for the State of Gujarat, in respect of each of these services. 5

(3) The initial strength and composition of each of the State cadres shall be such as the Central Government may by order determine before the appointed day.

(4) The members of each of the said services borne on those cadres for the State of Bombay immediately before the appointed day shall 10 be allocated to the State cadres of the same service for each of the States of Maharashtra and Gujarat in such manner and with effect from such date or dates as the Central Government may, by order, specify.

(5) Nothing in this section shall be deemed to affect the operation, 15 after the appointed day, of the All-India Services Act, 1951, or the rules made thereunder in relation to the State cadres of the said services constituted under sub-section (2) and in relation to the members of those services borne on the said cadres. 61 of 1951.

Provisions
relating to
other serv-
ices.

81. (1) Every person who, immediately before the appointed day, 20 is serving in connection with the affairs of the State of Bombay shall, as from that day, provisionally continue to serve in connection with the affairs of the State of Maharashtra, unless he is required, by general or special order of the Central Government, to serve provisionally in connection with the affairs of the State of Gujarat. 25

(2) As soon as may be after the appointed day, the Central Government shall, by general or special order, determine the State to which every person provisionally allotted to the State of Maharashtra or Gujarat, shall be finally allotted for service and the date with effect from which such allotment shall take effect or be deemed to 30 have taken effect.

(3) Every person who is finally allotted under the provisions of sub-section (2) to the State of Maharashtra or Gujarat shall, if he is not already serving therein, be made available for serving in that State from such date as may be agreed upon between the two State Govern- 35 ments or, in default of such agreement, as may be determined by the Central Government.

(4) The Central Government may by order establish one or more Advisory Committees for the purpose of assisting it in regard to—

(a) the division and integration of the services among the 40 States of Maharashtra and Gujarat; and

(b) the ensuring of fair and equitable treatment to all persons affected by the provisions of this section and the proper consideration of any representations made by such persons.

(5) The foregoing provisions of this section shall not apply in relation to any person to whom the provisions of section 80 apply.

(6) Nothing in this section shall be deemed to affect, after the appointed day, the operation of the provisions of Chapter I of Part XIV of the Constitution in relation to the determination of the conditions of service of persons serving in connection with the affairs of the State of Maharashtra or Gujarat:

Provided that the conditions of service applicable immediately before the appointed day to the case of any person provisionally or finally allotted to the State of Maharashtra or Gujarat under this section shall not be varied to his disadvantage except with the previous approval of the Central Government.

82. Every person who, immediately before the appointed day, is holding or discharging the duties of any post or office in connection with the affairs of the State of Bombay in any area which on that day falls within the State of Maharashtra or Gujarat shall continue to hold the same post or office in that State * * and shall be deemed, as from that day, to have been duly appointed to the post or office by the Government of, or other appropriate authority in, that State * * :

Provisions as to continuance of officers in same post.

Provided that nothing in this section shall be deemed to prevent a competent authority, after the appointed day, from passing, in relation to such person, any order affecting his continuance in such post or office.

83. The Central Government may give such directions to the State Governments of Maharashtra and Gujarat as may appear to it to be necessary for the purpose of giving effect to the foregoing provisions of this Part and the State Government shall comply with such directions.

Power of Central Government to give directions.

84. (1) The Public Service Commission for the State of Bombay shall, as from the appointed day, become the Public Service Commission for the State of Maharashtra.

Provisions as to Bombay Public Service Commission

(2) The report of the Bombay Public Service Commission as to the work done by the Commission in respect of any period prior to the appointed day shall be presented under clause (2) of article 323 to the Governors of Maharashtra and Gujarat, and the Governor of Maharashtra shall, on receipt of such report, cause a copy thereof together with a memorandum explaining, as far as possible, as respects

the cases, if any, where the advice of the Commission was not accepted, the reasons for such non-acceptance to be laid before the Legislature of the State of Maharashtra and it shall not be necessary to cause such report or any such memorandum to be laid before the Legislative Assembly of the State of Gujarat.

5

PART IX

LEGAL AND MISCELLANEOUS PROVISIONS

Amendment
of article 371
of the Con-
stitution.

85. As from the appointed day, in article 371 of the Constitution, in clause (2)—

(a) for the words "the State of Bombay", the words "the State of Maharashtra or Gujarat" shall be substituted; and

(b) for the words "the rest of Maharashtra", the words "and the rest of Maharashtra or, as the case may be," shall be substituted.

10

Amendment
of Act 37 of
1956.

86. In section 15 of the States Reorganisation Act, 1956—

15

(i) in clause (d), for the words "Bombay and Mysore", the words "Gujarat and Maharashtra" shall be substituted; and

(ii) in clause (e), for the words "Madras and Kerala", the words "Madras, Mysore and Kerala" shall be substituted.

Territorial
extent of
laws.

87. The provisions of Part II shall not be deemed to have effected any change in the territories to which any law in force immediately before the appointed day extends or applies, and territorial references in any such law to the State of Bombay shall, until otherwise provided by a competent Legislature or other competent authority, be construed as meaning the territories within that State immediately before the appointed day.

20

25

Power to
adapt laws.

88. For the purpose of facilitating the application in relation to the State of Maharashtra or Gujarat of any law made before the appointed day, the appropriate Government may, before the expiration of one year from that day, by order, make such adaptations and modifications of the law, whether by way of repeal or amendment, as may be necessary or expedient, and thereupon every such law shall have effect subject to the adaptations and modifications so made until altered, repealed or amended by a competent Legislature or other competent authority.

30

35

Explanation.—In this section, the expression "appropriate Government" means as respects any law relating to a matter enumerated in the Union List, the Central Government, and as respects any other law, the State Government.

89. Notwithstanding that no provision or insufficient provision has been made under section 88 for the adaptation of a law made before the appointed day, any court, tribunal or authority, required or empowered to enforce such law may, for the purpose of facilitating its application in relation to the State of Maharashtra or Gujarat, construe the law in such manner, without affecting the substance, as may be necessary or proper in regard to the matter before the court, tribunal or authority.

Power to
construe
laws.

90. The Government of the State of Gujarat, as respects the transferred territory may, by notification in the Official Gazette, specify the authority, officer or person who, on or after the appointed day, shall be competent to exercise such functions exercisable under any law in force on that day as may be mentioned in that notification and such law shall have effect accordingly.

Power to
name autho-
rities, etc.,
for exercis-
ing statutory
functions.

91. Where immediately before the appointed day, the State of Bombay is a party to any legal proceedings with respect to any property, rights or liabilities subject to apportionment between the States of Maharashtra and Gujarat under this Act, the State of Maharashtra or Gujarat which succeeds to, or acquires a share in, that property or those rights or liabilities by virtue of any provision of this Act shall be deemed to be substituted for the State of Bombay as a party to those proceedings, * * * * * and the proceedings may continue accordingly.

Legal pro-
ceedings.

92. (1) Every proceeding pending immediately before the appointed day before a court (other than a High Court), tribunal, authority or officer in any area which on that day falls within the State of Maharashtra shall, if it is a proceeding relating exclusively to the transferred territory, stand transferred to the corresponding court, tribunal, authority or officer in the State of Gujarat.

Transfer of
pending pro-
ceedings.

(2) If any question arises as to whether any proceeding should stand transferred under sub-section (1), it shall be referred to the High Court at Bombay and the decision of that High Court shall be final.

(3) in this section—

(a) "proceeding" includes any suit, case or appeal; and

(b) "corresponding court, tribunal, authority or officer" in the State of Gujarat means—

(i) the court, tribunal, authority or officer in which, or before whom, the proceeding would have lain if it had been instituted after the appointed day; or

(ii) in case of doubt, such court, tribunal, authority, or officer in that State, as may be determined after the appointed day by the Government of that State, or before the appointed day by the Government of Bombay, to be the corresponding court, tribunal, authority or officer.

Right of
pleaders to
practise in
certain cases.

93. Any person who, immediately before the appointed day, is enrolled as a pleader entitled to practise in any subordinate courts in the State of Bombay shall, for a period of one year from that day, continue to be entitled to practise in those courts, notwithstanding that the whole or any part of the territories within the jurisdiction of those courts has been transferred to the State of Gujarat.

Effect of
provisions of
the Act in-
consistent
with other
laws.

94. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law.

Power to
remove
difficulties.

95. If any difficulty arises in giving effect to the provisions of this Act, the President may, by order, do anything not inconsistent with such provisions which appears to him to be necessary or expedient for the purpose of removing the difficulties.

Power to
make rules.

96. (1) The Central Government may, by notification in the Official Gazette, make rules to give effect to the provisions of this Act.

(2) Every rule made under this section shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however that any such modifications or annulment shall be without prejudice to the validity of anything previously done under that rule.

THE FIRST SCHEDULE

[See section 3(1) (b)]

TERRITORIES TRANSFERRED FROM THE STATE OF BOMBAY TO THE
STATE OF GUJARAT

5 (Any reference in this Schedule to a census code number in relation to a village means the code number assigned to that village in the census of 1951).

PART I

Umbergaon taluka of Thana District

10	Name of Village	Census Code No.
	*Umbergaon	1
	Kalgaon	2
	Kalai	3
	Govad	4
15	Tadgaon	6
	Dehari	7
	Nargol	8
	Phansa (whole)	9
	Mamakwada	11
20	*Maroli	12
	Saronda	13
	Achhari	14
	Angaon	15
	Ahu	16
	Eklahare	17
25	Kachigaon	18
	Bhati Karambeli	19
	Karambell Pali	20
	Karambele	21

<i>Name of Village</i>	<i>Census Code No.</i>	
*Khattalwada	22	
Ghimse Kakaria	23	
Jamburi	24	
Tembhi	25	5
Tumb	26	
Dahad	27	
Nahuli	28	
Palgaon	29	
Pali	30	10
Punat	31	
Borigaon Tarf Kachigaon	32	
Borlai	33	
Bhilad	34	
Manda	35	15
Manikpur	36	
Mohan	37	
Vankas	38	
Valwada	39	
Shirgaon	40	20
Sanjan	41	
Sarei	42	
Solsumba	43	
Humran	44	
Dehali	45	25
Talwada	46	
Dhanoli	47	
Nandgaon	48	
Malav	49	
Anklas	50	30

<i>Name of Village</i>	<i>Census Code No.</i>
------------------------	------------------------

Zaroli	67
--------	----

Nagvas	70
--------	----

NOTE: *includes towns of the same name.

5

PART II
West Khandesh District**Nawapur taluka**

	<i>Name of Village</i>	<i>Census Code No.</i>
	Abhankuwa (Forest)	--
10	Anandpur	2
	Babarghat	3
	Bhadbunja	6
	Bhint Bk.	11
	Bhint Khurd	12
15	Chacharbunde	18
	Chadhavbunde (Forest)	—
	Chhaptl	19
	Chikhli (Forest)	—
	Dhaj	27
20	Haripur	35
	Jamaki	38
	Jamane	36
	Kachali	39
	Kamalapur	41
25	Kataswan	48
	Khabade	50
	Kokambe (Forest)	—
	Manikpur	68
	Mirkot	70
30	Mogarbara (Forest)	72
	Mograni (Forest)	—
	Nanchhal	75
	Narayanpur	77
	Nurabad	82
35	Pakhari	88

<i>Name of Village</i>	<i>Census Code No.</i>	
Parchuli	86	
Pethapur	89	
Sakarde (Digar)	94	
Sase	98	5
Shelud	101	
Sundarpur	106	
Thuti	108	
Uchhal	111	
Vadadhe Kd.	115	10
Vadapatal	117	
Zaranpada	123	
<i>Nandurbar taluka</i>		
Adode	2	
Anturli	5	15
Arkunda (Forest)	—	
Bhilbhavali	19	
Bhiljamboli	20	
Borathe	25	
Borde	23	20
Chinchode	28	
Chorgaon (Deserted)	28A	
Devhale	31	
Dev Mogra-Galbi Umber	(Forest village Coupe Nos. 1, 2 and 20 of felling series XX 25 and Coupe Nos. 1 to 9 of felling series XXI).	
Gamadi	39	
Gujerapur	43	
Harduli (Digar)	44	30
Hatnoor (Digar)	46	
Hingani (Digar)	48	
Kavithe	63	
Khairave Kd. T. Dhanore	65	
Khodado	69	35

	Name of Village	Census Code No.
	Kothali Budruk	77
	Lakhmikhede	79
	Lekurwali	80
	Mubarakpur	86
	Nasarpur	93
	Newale	96
	Nizar	99
	Pimplod T. Nisar	108
10	Raigad	109
	Ranikhadkale (Deserted)	112A
	Sarvale	115
	Shale	119
	Shelu	121
15	Sulvade	125
	Tapikhadkale	128
	Vadali	136
	Vake	143
	Velade	149
20	Vyawal	154

PART III

West Khandesh District

Akkalkuwa taluka

	Name of Village	Census Code No.
25	Akkalkuwa Budruk	1
	Anghat	6A
	Barktura	15
	Bhogwad	23
	Chatwad	32
30	Choti Korali (Deserted)	35A
	Devaramba	37
	Dogaripada (G)	44
	Gangtha	50
	Itwai	59

<i>Name of Village</i>	<i>Census Code No.</i>	
Javali	63	
Kenvada	78	
Kevadamol	79	
Khairpada	84	5
Khanore	85	
Khokwad	91	
Koktipada	94	
Kolwan	95	
Langadi	104	10
Medhi	111	
Nawagaon (G)	120	
Nevadi (Amba)	126	
Palaswada	132	
Pana	133	15
Parod	135	
Parodi	136	
Patipada	138	
Pimparipada (R)	143	
Ranipur	150	20
Ranjaniwad	152	
Rundigavan	156	
Uman	176	
Umja	175	
Umran	180	25
Vadgav	189	
Zapa-amli	196	
Ziribeda	197	

Taloda taluka

Akkalutar	1	30
Amode Tarf Satone	6	
Amode T. Taloda	7	
Asapur	10	
Ashrave	11	

	Name of Village	Census Code No.
	Ashte T. Budhawal	13
	Bahurupe	14
	Balade	16
5	Balambe	15
	Bej	20
	Bhamsal	21
	Borikuva	25
	Chirmati	31
10	Chokhiamali	33
	Fulwadi	90
	Gadid	41
	Gorase	44
	Hatode	47
15	Hol	48
	Kelani	56
	Kondaraj	64
	Kukurkunde	66
	Mohammadpur (Deserted)	70A
20	Matawal	73
	Mendhpur	74
	Modale	77
	Morambe	80
	Nimbhore	84
25	Panibare	87
	Patl	89
	Pimplas	91
	Pisawar	93
	Rajpur	95
30	Ranaichi	98
	Sadgaven	106
	Satole	108
	Torande	120
	Tulse	122
35	Ubhad	123

<i>Name of Village</i>	<i>Census Code No.</i>
Untavad	126
Varpade	128
Vesgaon	129
Zumkati	131

5

THE SECOND SCHEDULE

(See section 7)

PART I

Bombay Members of the Council of States

Members whose term of office expires on the 2nd April, 1962 10

1. Shri P. N. Rajabhoj.
2. Dr. Waman Sheodas Barlingay.
3. Shri T. R. Deogirikar.
4. Shri G. R. Kulkarni.
5. Shri Dhairyashilrao Yeshwantrao Pawar.
6. Shri M. D. Tumpalliwar.

15

Members whose term of office expires on the 2nd April, 1964.

7. Shri Babubhai M. Chinai.
8. Shri Ramrao Madhaorao Deshmukh.
9. Shri Bhaurao Dewaji Khobaragade.
10. Shri Sonusing Dhansing Patil.
11. Shri Lalji Pendse.
12. Shri Abid Ali.

20

PART II

Gujarat Members of the Council of States.

25

Members whose term of office expires on the 2nd April, 1962.

1. Shri Jadavji Keshavji Modi.
2. Professor Dr. Raghu Vira.
3. "Vacant"*

Members whose term of office expires on the 2nd April, 1964. 30

4. Shri Rohit Manushankar Dave.
5. Shri Khandubhai K. Desai.
6. Shri Dahyabhai Vallabhbhai Patel.

THE THIRD SCHEDULE

(See section 11)

AMENDMENTS TO THE FIRST SCHEDULE TO THE DELIMITATION OF PARLIAMENTARY AND ASSEMBLY CONSTITUENCIES ORDER, 1956

- 5 (1) For the heading "4-BOMBAY", substitute "4-GUJARAT".
- (2) In entry 111, after the word "Pardi", insert the word "Umbergaon" and for the words "Surat district", substitute the words "Surat district; and Dangs district".
- (3) After entry 111, add the following Note:—
- 10 "Note.—Any reference in this Part to Broach, Surat or Dangs district or to Songadh or Umbergaon taluka of Surat district or to Sagbara taluka of Broach district shall be taken to mean the area comprised in that district or taluka, as the case may be, on the 1st day of May, 1960."
- 15 (4) Immediately before entry 112, insert the heading "4 A-MAHARASHTRA".
- (5) In entry 129, omit the words "Dangs district;".
- (6) To the note after entry 148, add:—
- 20 "(3) Any reference in this Part to Thana or West Khandesh district or to Nawapur, Nandurbar, Akkalkuwa or Taloda taluka of West Khandesh district shall be taken to mean the area comprised in that district or taluka, as the case may be, on the 1st day of May, 1960."
- (7) In the Appendix—
- 25 (a) for the heading "II-Bombay", substitute "II-Gujarat"; and
- (b) immediately before the sub-heading "KOLABA District", insert the heading "II-A MAHARASHTRA".

THE FOURTH SCHEDULE

(See section 14)

30 AMENDMENTS TO THE SECOND SCHEDULE TO THE DELIMITATION OF PARLIAMENTARY AND ASSEMBLY CONSTITUENCIES ORDER, 1956

- (1) For the heading "4-BOMBAY", substitute "4-GUJARAT".
- (2) In entry 103, for the words "Sagbara mahal", substitute
- 5 "Sagbara taluka".

(3) For the sub-heading "SURAT DISTRICT" appearing before entry 106, substitute the sub-heading "SURAT AND DANGS DISTRICTS".

(4) In entry 114, for the words "Bansda taluka;", substitute the words "Dangs district; Bansda taluka;".

(5) In entry 118, for the words "Pardi taluka" in column 3, substitute the words "Pardi and Umbergaon talukas".

(6) After entry 118—

(a) add the following Note:—

"Note.—Any reference in this Part to Broach, Surat or Dangs district or to Sagbara taluka of Broach district or to Songadh or Umbergaon taluka of Surat district shall be taken to mean the area comprised in that district or taluka, as the case may be, on the 1st day of May, 1960."

(b) after the said Note, insert an Appendix reproducing items (1) to (33) of the existing Appendix to Part 4 of the Order.

(7) Immediately before the sub-heading "GREATER BOMBAY DISTRICT", insert the heading "4-A MAHARASHTRA" to make all following entries, together with the Appendix and Annexure, a separate Part for the State of Maharashtra.

(8) Omit the asterisk mark before the sub-heading "GREATER BOMBAY DISTRICT" and foot-notes 1 and 2.

(9) In entry 143, for the words "Dahanu and Umbergaon talukas", substitute the words "Dahanu taluka".

(10) For the sub-heading immediately before entry 228, for the words "NASIK AND DANGS DISTRICTS", substitute "NASIK DISTRICT".

(11) In entry 230, for the words "Peint and Surgana mahals", substitute the words "Peint mahal".

(12) In entry 231, for the word "Dangs" in column 2, substitute the word "Kalwan" and for the words "Dangs district;" in column 3, substitute the words "Surgana mahal".

(13) In entry 238, for the entry in column 3, substitute "Sakri and Nandurbar talukas".

(14) In entry 239, for the entry in column 3, substitute "Nawapur taluka".

(15) For the Note appearing immediately after entry 339, substitute:—

“Note.—(1) Any reference in this Part to Thana or West Khandesh district or to Dahanu taluka of Thana district or to Nawapur, Nandurbar, Akkalkuwa or Taloda taluka of West Khandesh district shall be taken to mean the area comprised in that district or taluka, as the case may be, on the 1st day of May, 1960.

(2) The names of the 77 census wards of Greater Bombay are set out in item (1) of the Appendix; and a fuller description of the Assembly constituencies Nos. 1 to 21 in terms of roads, streets and other thoroughfares and of villages is given in item (2) of the Appendix.

(3) The names of the villages in Banoti and Soegaon circles referred to in the Assembly constituencies Nos. 220 and 221, respectively, are set out in the Annexure to this Part.”

(16) Renumber entries 119 to 339 as entries 1 to 221 respectively, and the references in those entries to items (36) to (71) and (73) to (79) of the Appendix as (3) to (45) respectively.

(17) In the Appendix,—

(a) omit items (1) to (33) and the sub-headings thereof;

(b) renumber items (34) to (71) as items (1) to (38) respectively;

(c) omit item (72);

(d) renumber items (73) to (79) as items (39) to (45) respectively; and

(e) in item (2) as so renumbered, renumber the references to Assembly constituencies Nos. 119 to 139 as Nos. 1 to 21 respectively.

THE FIFTH SCHEDULE

(See section 22)

AMENDMENTS TO THE DELIMITATION OF COUNCIL CONSTITUENCIES (BOMBAY) ORDER, 1951

(1) In paragraph 2, for the word “Bombay” substitute the word “Maharashtra”.

(2) In the Table, omit

(a) the entries relating to—

(i) Gujarat (Graduates) constituency;

(ii) Gujarat (Teachers) constituency;

- (iii) Saurashtra (Local Authorities) constituency;
 - (iv) Gujarat North (Local Authorities) constituency;
 - (v) Gujarat South (Local Authorities) constituency;
- and

(b) the word "Dangs" wherever it occurs in column 2. 5

(3) In the Table, in column 2,—

(a) against "Vidarbha (Graduates)" in column 1, for "Bhandara and Chanda districts," substitute "Bhandara, Chanda and Rajura districts";

(b) against "Vidarbha (Teachers)" in column 1, after "Chanda", insert "Rajura"; 10

(c) against "Vidarbha (Local Authorities)" in column 1, for "Bhandara and Chanda districts," substitute "Bhandara, Chanda and Rajura districts".

THE SIXTH SCHEDULE

15

[See section 23(1)]

SITTING MEMBERS WHO SHALL CEASE TO BE MEMBERS OF THE BOMBAY LEGISLATIVE COUNCIL

(i) Members representing any of the five Constituencies specified in item (2) (a) of the Fifth Schedule. 20

(ii) The following members elected by the members of the Bombay Legislative Assembly, namely:—

1. Shri Dadoobhai Amin.
2. Shri Chandrakant Chhotalal Mehta.
3. Shri Gulam Haider Walimohammed Momin. 25
4. Shrimati Madinabai Akbarbhai Nagori.
5. Shrimati Bhanumatiben Manilal Parekh.
6. Shrimati Anasuya Chhotalal Shah.
7. Shrimati Jyotsnaben Bahusukhram Shukla.

THE SEVENTH SCHEDULE

30

(See section 26)

AMENDMENTS OF THE CONSTITUTION (SCHEDULED CASTES) ORDER, 1950

(1) For paragraph 4, substitute:—

"4. Any reference in this Order, except Parts IV and VII-A of the Schedule, to a State or to a district or other territorial 35

division thereof, shall be construed as a reference to the State, district or other territorial division, constituted as from the 1st day of November, 1956; and any reference in Parts IV and VII-A of the Schedule to a State or to a district or other territorial division thereof shall be construed as a reference to the State, district or other territorial division constituted as from the 1st day of May, 1960".

* * * * *

(2) For Part IV, substitute the following:—

10 "PART IV.—Gujarat

1. Throughout the State *except* the Rajkot Division and the district of Kutch:—

1. Ager
2. Bakad or Bant
- 15 3. Bhambi, Bhambhi, Asadaru, Asodi, Chamadia, Chamar, Chambhar, Chamgar, Haralayya, Harali, Khalpa, Machigar, Mochigar, Madar, Madig, Telegu Mochi, Kamati Mochi, Ranigar, Rohidas, Rohit or Samgar
4. Bhangi, Mehtar, Olgana, Rukhi, Malkana, Halalkhor, Lalbegi,
- 20 Balmiki, Korar or Zadmalli
5. Chalvadi or Channayya
6. Chenna Dasar or Holaya Dasar
7. Dhor, Kakkayya or Kankayya
8. Garoda or Garo
- 25 9. Halleer
10. Halsar, Haslar, Hulasvar or Halasvar
11. Holar or Valhar
12. Holaya or Holer
13. Lingader
- 30 14. Mahar, Taral or Dhegu Megu
15. Mahyavanshi, Dhed, Vankar or Maru Vankar
16. Mang, Matang or Minimadig
17. Mang-Garudi
18. Meghval or Menghvar
- 35 19. Mukri
20. Nadla or Hadi
21. Pasi
22. Shenva, Chenva, Sedma or Rawat
23. Tirgar or Tirbanda
- 40 24. Turi.

2. In the district of Dangs and Umbergaon taluka of Surat district:—

Mochi.

3. In the Rajkot Division:—

- | | |
|------------------------------|----|
| 1. Bawa (Dedh) or Dedh-Sadhu | 5 |
| 2. Bhangi or Rukhi | |
| 3. Chamadia | |
| 4. Chamar, Nalia or Rohit | |
| 5. Dangashia | |
| 6. Garoda | 10 |
| 7. Garmatang | |
| 8. Hadl | |
| 9. Meghwal | |
| 10. Senva | |
| 11. Shemalia | 15 |
| 12. Thori | |
| 13. Turi | |
| 14. Turi-Barot or Dedh-Barot | |
| 15. Vankar, Dhedh or Antyaj. | |

4. In the district of Kutch:— 20

- | | |
|----------------|----|
| 1. Bhangi | |
| 2. Chamar | |
| 3. Garoda | |
| 4. Meghwal | |
| 5. Turi | 25 |
| 6. Turi-Barot. | |

(3) After Part VII, insert the following:—

"PART VII-A.—*Maharashtra*

1. Throughout the State except the districts of Buldana, Akola, Amravati, Yeotmal, Wardha, Nagpur, Bhandara, Chanda, Aurangabad, Parbhani, Nanded, Bhil, Osmanabad and Rajura:— 30

- | | |
|---|----|
| 1. Ager | |
| 2. Baked or Bant | |
| 3. Bhambhi, Bhambhi, Asadaru, Asodi, Chamadia, Chamar, Chambhar, Chamgar, Haralayya, Harali, Khalpa, Machigar, Mochigar, Madar, Madig, Mochi, Telegu Mochi, Kamati Mochi, Ranigar, Rohidas, Rohit or Samgar | 35 |

- | | |
|----|---|
| | 4. Bhangi, Mehtar, Olgana, Rukhi, Malkana, Halalkhor, Lalbegi, Balmiki, Korar or Zadmalli |
| | 5. Chelvadi or Channayya |
| | 6. Chenna Dasar or Holaya Dasar |
| 5 | 7. Dhor, Kakkayya or Kankayya |
| | 8. Garoda or Garo |
| | 9. Halleer |
| | 10. Halsar, Haslar, Hulasvar or Halasvar |
| | 11. Holar or Valhar |
| 10 | 12. Holaya or Holer |
| | 13. Lingader |
| | 14. Mahar, Taral or Dhegu Megu |
| | 15. Mahyavanshi, Dhed, Vankar or Maru Vankar |
| | 16. Mang, Matang or Minimadig |
| 15 | 17. Mang-Garudi |
| | 18. Meghval or Menghvar |
| | 19. Mukri |
| | 20. Nadla or Hadi |
| | 21. Pasi |
| 20 | 22. Shenva, Chenva, Sedma or Ravat |
| | 23. Tirgar or Tirbanda |
| | 24. Turi. |
| | 2. In the districts of Buldana, Akola, Amravati, Yeotmal, Wardha, Nagpur, Bhandara and Chanda:— |
| 25 | 1. Bahna or Bahana |
| | 2. Balahi or Balai |
| | 3. Basor, Burud, Bansor or Bansodi |
| | 4. Chamar, Chamari, Mochi, Nona, Rohidas, Ramnami, Satnami. Surjabanshi or Surjyaramnami |
| 30 | 5. Dom or Dumar |
| | 6. Dohor |
| | 7. Ganda or Gandhi |
| | 8. Ghasi or Ghasia |
| | 9. Kaikadi |
| 35 | 10. Katia or Patharia |
| | 11. Khatik, Chikwa or Chikvi |

12. Madgi	
13. Mahar or Mehra	
14. Mang, Dankhni-Mang, Mang Mahashi, Mang-Garudi, Madari Garudi or Radhe-Mang	
15. Mehtar or Bhangi	5
16. Sansi.	
3. In the districts of Akola, Amravati and Buldana:— Bedar.	
4. In the district of Bhandara:—	
1. Chadar	10
2. Holiya.	
5. In the districts of Bhandara and Buldana:— Khangar, Kanera or Mirdha.	
6. In the districts of Amravati, Bhandara and Buldana:— Kori.	15
7. In the districts of Aurangabad, Parbhani, Nanded, Rajura, Bhir and Osmanabad:—	
1. Anamuk	
2. Aray (Mala)	
3. Arwa Mala	20
4. Beda (Budga) Jangam	
5. Bindla	
6. Byagara	
7. Chalvadi	
8. Chambhar	25
9. Dakkal (Dokkalwar)	
10. Dhor	
11. Ellamalwar (Yellammalawandlu)	
12. Holey a	
13. Holey a Dasari	30
14. Kolupulvandlu	
15. Madiga	
16. Mahar	
17. Mala	
18. Mala Dasari	35
19. Mala Hannai	

20. Malajangam
21. Mala Masti
22. Mala Sale (Netkani)
23. Mala Sanyasi
24. Mang
25. Mang Garodi
26. Manne
27. Mashti
28. Mehtar
29. Mitha Ayyalvar
30. Mochi
31. Samagara
32. Sindhollu (Chindollu)".

THE EIGHTH SCHEDULE

(See section 27)

AMENDMENT OF THE CONSTITUTION (SCHEDULED TRIBES) ORDER, 1950

(1) For paragraph 3, substitute:—

"3. Any reference in this Order, except Parts IV and VII-A of the Schedule, to a State or to a district or other territorial division thereof shall be construed as a reference to the State, district or other territorial division, constituted as from the 1st day of November, 1956; and any reference in Parts IV and VII-A of the Schedule to a State or to a district or other territorial division thereof shall be construed as a reference to the State, district or other territorial division, constituted as from the 1st day of May, 1960."

* * * * *

(2) For Part IV, substitute the following:—

"PART IV.—Gujarat

1. Throughout the State except the Rajkot Division and the district of Kutch:—

1. Barda
2. Bavacha or Bamcha

3. Bhil, including Bhil Garasia, Dholi Bhil, Dungri Bhil, Dungri, Garasia, Mewasi Bhil, Rawal Bhil, Tadvī Bhil, Bhagalia, Bhi-lala, Pawra, Vasava and Vasave
4. Chodhara
5. Dhanka, including Tadvī, Tetaria and Valvi 5
6. Dhodia
7. Dubla, including Talavia or Halpati
8. Gamit or Gamta or Gavīt, including Mavchi, Padvi, Vasava, Vasave and Valvi
9. Gond or Rajgond 10
10. Kathodi or Katkari, including Dhor Kathodi or Dhor Katkari and Son Kathodi or Son Katkari
11. Kokna, Kokni, Kukna
12. Koli, Dhor, Tokre Koli, Kolcha or Kolgha.
13. Naikda or Nayaka, including Cholivala Nayaka, Kapadia¹⁵ Nayaka, Mota Nayaka and Nana Nayaka
14. Pardhi, including Advichincher and Phanse Pardhi
15. Patella
16. Pomla
17. Rathawa 20
18. Varli
19. Vitolia, Kotwalia or Barodia.
2. In Dangs district, Kunbi.
3. In Surat District*:—
 - (a) in Umbergaon taluka, Koli Malhar, Koli Mahadev or Dongar Koli; 25
 - (b) in the other talukas, Chaudhrī.
4. In the Rajkot Division, Siddi.
5. In Nesses area in the forests of Alech, Gir and Barada:—
 1. Bharwad 30
 2. Charan
 3. Rabari.
6. In Surendranagar district:—
 - Padhar
7. In Kutch district:— 35
 1. Bhil
 2. Dhodia
 3. Koli

4. Paradhi

5. Vaghri.

(3) After Part VII, insert the following:—

“PART VII-A.—*Maharashtra*

- 5 1. Throughout the State *except* the districts of Buldana, Akola, Amravati, Yeotmal, Wardha, Nagpur, Bhandara, Chanda, Aurangabad, Parbhani, Nanded, Bhil, Osmanabad and Rajura:—
 1. Barda
 2. Bavacha or Bamcha
 - 10 3. Bhil, including Bhil Garasia, Dholi Bhil, Dungri Bhil, Dungri Garasia, Mewasi Bhil, Rawal Bhil, Tadvi Bhil, Bhagalia, Bhilala, Pawra, Vasava and Vasave
 4. Chodhara
 5. Dhanka, including Tadvi, Tetaria and Valvi
 - 15 6. Dhodia
 7. Dubla, including Talavia or Halpati
 8. Gamit or Gamta or Gavit, including Mavchi, Padvi, Vasava, Vasave and Valvi
 9. Gond or Rajgond
 - 20 10. Kethodi or Katkari, including Dhor Kathodi or Dhor Katkari and Son Kathodi or Son Katkari
 11. Kokna, Kokni, Kukna
 12. Koli Dhor, Tokre Koli, Kolcha or Kolgha
 13. Naikda or Nayaka, including Cholivala Nayaka, Kapadia Nayaka, Mota Nayaka and Nana Nayaka
 - 25 14. Pardhi, including Advichincher and Phanse Pardhi
 15. Patelia
 16. Pomla
 17. Rathawa
 - 30 18. Varli
 19. Vitolia, Kotwalia or Barodia.
2. In Thana district:—

Koli Malhar.
3. (a) In Ahmednagar district:—

<ol style="list-style-type: none"> (b) In Kolaba district:— 	<div style="display: inline-block; vertical-align: middle;"> Karjat, Khalapur, Alibagh, Mahad and Sudhagad talukas. </div>	}	Koli Mahadev or Dongar Koli.
--	--	---	------------------------------------

(c) In Nasik district:— Nasik, Niphad, Sinnar, Chandor, Baglan, Igatpuri, Dindori and Kalvan talukas and Surgana and Peint Mahals.		
(d) In Poona district:— Ambegaon, Junnar, Khed, Mawal and Mulshi talukas and Velhe Mahal.	Koli Maha- dev or Dongar Koli.	5
(e) In Thana district:— Thana, Murbad, Bhivandi, Bassein, Wada, Shahapur, Dahanu, Palghar, Jawhar and Mokhada talukas.		10
4. (a) In Ahmednagar district:— Akola, Rahuri and Sangamner talukas.		
(b) In Kolaba district:— Karjat, Khalapur, Pen, Panvel and Sudhagad talukas and Matheran.		15
(c) In Nasik district:— Igatpuri, Nasik and Sinnar talukas.	Thakur or Thakar inclu- ding Ka Thakur, Ka Thakar, Ma Thakur and Ma Thakar.	
(d) In Poona district:— Ambegaon, Junnar, Khed and Mawal talukas.		20
(e) In Thana district:— Thana, Kalyan, Murbad, Bhivandi, Bas- sein, Wada, Shahapur, Palghar, Jawhar and Mokhada talukas.		25
5. In (1) Melghat tahsil of Amravati district, (2) Gadchiroli and Sironcha tahsils of the Chanda district, (3) Kalapur, Wani and Yeot- mal tahsils of the Yeotmal district:—		
1. Andh		
2. Baiga		30
3. Bhaina		
4. Bharia-Bhumia or Bhuinhar-Bhumia including Fande		

	5. Bhatta
	6. Bhil
	7. Bhunjia
	8. Binjhwar
5	9. Birhul or Birhor
	10. Dhanwar
	11. Gadaba or Gadba
	12. Gond, including—
	Arakh or Arrakh
10	Agaria
	Asur
	Badi Maria or Bada Maria
	Bhatola
	Bhimma
15	Bhuta, Koilabhuta or Koilabhuti
	Bhar
	Bisonhorn Maria
	Chota Maria
	Dandami Maria
20	Dhuru or Dhurwa
	Dhoba
	Dhulia
	Dorla
	Gaiki
25	Gatta or Gatti
	Gaita
	Gond Gowari
	Hill Maria
	Kandra
30	Kalanga
	Khatola
	Koitar
	Koya
	Khirwar or Khirwara
35	Kucha Maria
	Kuchaki Maria
	Madia (Maria)

Mana	
Mannewer	
Moghya or Mogia or Monghya	
Mudia (Muria)	
Nagarchi	5
Nagwanshi	
Ojha	
Raj	
Sonjhari Jhareka	
Thatia or Thotya	10
Wade Maria or Vade Maria	
13. Halba or Halbi	
14. Kamar	
15. Kawar, Kanwar, Kaur, Cherwa, Rathia Tanwar or Chattri	
16. Khairwar	15
17. Kharia	
18. Kondh or Khond or Kandh	
19. Kol	
20. Kolam	
21. Korku, including Bopchi, Mouasi, Nihal or Nahul and Bondhi or Bondeya	20
22. Korwa, including Kodaku	
23. Majhwar	
24. Munda	
25. Nagesia or Nagasia	25
26. Nihal	
27. Oraon, including Dhanka and Dhangad	
28. Pardhan, Pathari and Saroti	
29. Pardhi, including Bahelia or Bahellia, Chita Pardhi, Langoli Pardhi, Phans Pardhi, Shikari, Takankar and Takia	30
30. Parja	
31. Saonta or Saunta	
32. Sawar or Sawara.	
6. In the districts of Aurangabad, Parbhani, Nanded, Rajura, Bhir and Osmanabad:—	35
1. Andh	
2. Bhil	

3. Gond (including Naikpod and Rajgond) *
 4. Kolam (including Mannervarlu)
 5. Koya (including Bhine Koya and Rajkoya)
 6. Pardhan
 5 | 7. Thoti.

THE NINTH SCHEDULE

[See section 45 (1)]

I—MODIFIED FORM OF SECTION 3 OF THE UNION DUTIES OF EXCISE (DISTRIBUTION) ACT, 1957

- 10 (1) Section 3 of the Union Duties of Excise (Distribution) Act, 1957, shall, as from the 1st day of May, 1960, have effect subject to the following modifications, namely:—

In the Table below section 3, for the entry relating to Bombay, the following entries shall be substituted, namely:—

15	"Maharashtra	8·07
	Gujarat	4·10"

- (2) For the purposes of calculating the amount payable under section 3 to Bombay in the first month of the financial year commencing on the 1st day of April, 1960, and to Maharashtra and
 20 Gujarat during the remaining eleven months of that financial year, the distributable Union duties of excise shall be deemed to be one-twelfth and eleven-twelfths, respectively, of the distributable Union duties of excise for that financial year.

II—MODIFIED FORM OF SECTIONS 3 AND 5 OF THE ESTATE DUTY AND 25 TAX ON RAILWAY PASSENGER FARES (DISTRIBUTION) ACT, 1957

A—Distribution of estate duty

- (1) Section 3 of the Estate Duty and Tax on Railway Passenger Fares (Distribution) Act, 1957, shall, as from the 1st day of May, 1960, have effect subject to the following modifications, namely:—

- 30 In clause (b) of sub-section (2), for the entry relating to Bombay, the following entries shall be substituted, namely:—

	"Maharashtra	8·97
	Gujarat	4·55"

- (2) For the purposes of calculating the amount payable under
 35 sub-section (1) of section 3 to Bombay in the first month of the financial year commencing on the 1st day of April, 1960, and to

Maharashtra and Gujarat during the remaining eleven months of that financial year, the total amount falling to be distributed shall be deemed to be one-twelfth and eleven-twelfths, respectively, of the total amount falling to be distributed for that financial year.

B—Distribution of tax on railway passenger fares

(1) Section 5 of the Estate Duty and Tax on Railway Passenger Fares (Distribution) Act, 1957, shall, as from the 1st day of May, 1960, have effect subject to the following modifications, namely:—

For the entry relating to Bombay, the following entries shall be substituted, namely:—

"Maharashtra	10.80
Gujarat	5.48"

(2) For the purposes of calculating the amount payable under section 5 to Bombay in the first month of the financial year commencing on the 1st day of April, 1960, and to Maharashtra and Gujarat during the remaining eleven months of that financial year, the net proceeds of the tax on railway passenger fares shall be deemed to be one-twelfth and eleven-twelfths, respectively, of the net proceeds of such tax for that financial year.

III—MODIFIED FORM OF THE SECOND SCHEDULE TO THE ADDITIONAL DUTIES OF EXCISE (GOODS OF SPECIAL IMPORTANCE) ACT, 1957

A—Distribution of additional duties on sugar

(1) In the Second Schedule, the Table at the end of Part I shall, as from the 1st day of May, 1960, have effect subject to the following modifications, namely:—

For the entry relating to Bombay, the following entries shall be substituted, namely:—

"Maharashtra	8.07	162	13.37
Gujarat	4.10	83	6.80"

(2) For the purposes of calculating the amount payable under Part I of the Second Schedule to Bombay in the first month of the financial year commencing on the 1st day of April, 1960, and to Maharashtra and Gujarat during the remaining eleven months of that financial year, the net proceeds of the additional duties in respect of sugar shall be deemed to be one-twelfth and eleven-twelfths, respectively, of the net proceeds of such duties for that financial year; and in respect of that financial year, the sums specified in the third column of the Table shall be deemed to have been replaced by

for the first month in relation to Bombay and by 149 for the remaining eleven months in relation to Maharashtra and by 76 in relation to Gujarat.

B—Distribution of additional duties on tobacco

- 5 (1) In the Second Schedule, the Table below paragraph 4 shall, as from the 1st day of May, 1960, have effect subject to the following modifications, namely:—

For the entries relating to Bombay, the following entries shall be substituted, namely:—

10	"Maharashtra	8·07	76	11·54
	Gujarat	4·10	39	5·87"

- (2) For the purposes of calculating the amount payable under paragraph 4 to Bombay in the first month of the financial year commencing on the 1st day of April, 1960, and to Maharashtra and 15 Gujarat during the remaining eleven months of that financial year, the net proceeds of the additional duties on tobacco shall be deemed to be one-twelfth and eleven-twelfths, respectively, of the net proceeds of such duties for that financial year; and in respect of that financial year, the sums specified in the third column of the Table 20 shall be deemed to have been replaced by 10 for the first month in relation to Bombay and by 70 for the remaining eleven months in relation to Maharashtra, and by 35 in relation to Gujarat.

C—Distribution of additional duties on textiles

- (1) In the Second Schedule, the Table at the end of Part III shall, 25 as from the 1st day of May, 1960, have effect subject to the following modifications, namely:—

For the entry relating to Bombay, the following entries shall be substituted, namely:—

	"Maharashtra	398	10·91
30	Gujarat	202	5·55"

- (2) For the purposes of calculating the amount payable under Part III of the Second Schedule to Bombay in the first month of the financial year commencing on the 1st day of April, 1960, and to 35 Maharashtra and Gujarat during the remaining eleven months of that financial year, the net proceeds of the additional duties in respect of cotton fabrics, rayon or artificial silk fabrics and woollen fabrics shall be deemed to be one-twelfth and eleven-twelfths, respectively, of the net proceeds of such duties for that financial year; and in respect of that financial year the sums specified in the second column of the

Table shall be deemed to have been replaced by 50 for the first month in relation to Bombay and by 365 for the remaining eleven months in relation to Maharashtra, and by 185 in relation to Gujarat.

IV—MODIFIED FORM OF PARAGRAPH 3 OF THE CONSTITUTION (DISTRIBUTION OF REVENUES) No. 2 ORDER, 1957.

(1) Paragraph 3 of the Constitution (Distribution of Revenues) No. 2 Order, 1957, shall, as from the 1st day of May, 1960, have effect subject to the following modifications, namely:—

In the Table at the end of paragraph 3, for the entry relating to Bombay, the following entries shall be substituted, namely:—

" <u>Maharashtra</u>	10·59
<u>Gujarat</u>	5·38".

(2) For the purposes of calculating the amount payable under paragraph 3 to Bombay in the first month of the financial year commencing on the 1st day of April, 1960, and to Maharashtra and Gujarat during the remaining eleven months of that financial year, the net proceeds of taxes on income shall be deemed to be one-twelfth and eleven-twelfths, respectively, of the net proceeds of taxes on income for that financial year.

THE TENTH SCHEDULE

[See section 47(2)]

1. Stores held for specific purposes such as for use or utilisation in particular institutions, workshops or undertakings or on particular works under construction shall pass to the State in which such institutions, workshops, undertakings or works are located on the appointed day.

2. Stores relating to Sachivalaya and offices of Heads of Departments having, immediately before the appointed day, jurisdiction over the whole of the State of Bombay shall remain the property of the State of Maharashtra:

Provided that typewriters, duplicators, clocks and vehicles shall be divided between the States of Maharashtra and Gujarat according to the population ratio.

3. All other unissued stores, pooled stores, and stores purchased on or after the 1st July, 1959, of any class shall be divided between the States of Maharashtra and Gujarat in proportion to the total stores of that class purchased in the period of three years ending with the 31st March, 1960 for the territories included respectively in each of those States:

Provided that where such proportion cannot be ascertained in respect of any class of stores or where the value of any class of such stores does not exceed Rs. 10,000, that class of stores shall be divided between the two States according to the population ratio.

5

THE ELEVENTH SCHEDULE

(See section 59)

APPORTIONMENT OF LIABILITY IN RESPECT OF PENSIONS

1. Subject to the adjustments mentioned in paragraph 3, each of the States of Maharashtra and Gujarat shall, in respect of pensions
10 granted by the State of Bombay before the appointed day, pay the pensions drawn in its treasuries.

2. Subject to the said adjustments, the liability in respect of pensions of officers serving in connection with the affairs of the State of Bombay who retire or proceed on leave preparatory to retirement
15 before the appointed day, but whose claims for pensions are outstanding immediately before that day, shall be the liability of the State of Maharashtra.

3. There shall be computed in respect of the part of the financial year commencing on the appointed day and in respect of each subsequent financial year, the total payments made in each of the
20 States of Maharashtra and Gujarat in respect of pensions referred to in paragraphs 1 and 2; that total, representing the liability of the State of Bombay in respect of pensions, shall be apportioned between the States of Maharashtra and Gujarat in the population ratio,
25 and the State paying more than its due share shall be reimbursed the excess amount by the other State.

4. (1) The liability in respect of the pension of any officer serving immediately before the appointed day in connection with the affairs of the State of Bombay and retiring on or after that day, shall be
30 that of the State which grants him the pension; but the portion of the pension attributable to the service of any such officer before the appointed day in connection with the affairs of the State of Bombay shall be allocated between the States of Maharashtra and Gujarat in the population ratio, and the Government which grants the pension
35 shall be entitled to receive from the other Government its share of this liability.

(2) If any such officer was serving after the appointed day for some period in connection with the affairs of the State of Maharashtra and for some period in connection with the affairs of the

State of Gujarat, the Government other than the one granting the pension shall reimburse to the Government by which the pension is granted an amount which bears to the portion of the pension attributable to his service after the appointed day the same ratio as the period of his qualifying service after the appointed day under the reimbursing State bears to the total qualifying service after the appointed day reckoned for the purposes of pension. 5

5. Any reference in this Schedule to a pension shall be construed as including a reference to the commuted value of the pension.

THE TWELFTH SCHEDULE

(See section 73)

1. The Bombay State Cooperative Bank Limited.
2. The Bombay State Cooperative and Mortgage Bank Limited.
3. The Bombay State Cooperative Housing Finance Society.
4. The Bombay State Industrial Cooperative Association.
5. The Bombay State Cooperative Union.
6. Mumbai Rajya Sahakari Karkhana Sangh.

10

15

THE THIRTEENTH SCHEDULE

(See section 79)

1. J. J. College of Architecture, Bombay.
2. J. J. Institute of Applied Art, Bombay.
3. School of Printing Technology, Bombay.
4. Government Tanning Institute, Bombay.
5. Government Leather Working School, Bombay.
6. Veterinary College, Bombay.
7. R. A. Podar Medical College (Ayurvedic), Bombay.
8. C. E. M. Dental College, Bombay.
9. Haffkine Institute, Bombay.
10. Forensic Science Laboratory and Chemical Analysers Department, Bombay.
11. State Fire School, Ghatkopar, Bombay.
12. Secretariat Record Office, Bombay.
13. Mathematical Instruments Depot and Workshop, Bombay.

20

25

30

14. Drugs Testing Laboratory, Bombay.
15. Training Institute for Physical Education, Kandivli, Bombay.
16. J. J. School of Art, Bombay.
17. S. T. College, Bombay.
- 5 18. Jail Officers' Training School, Yeravda, Poona.
19. Alienation Office, Poona.
20. Government Photozinco Press, Poona.
21. Government Photo Registry, Poona.
22. Institute of Veterinary Biological Products, Poona.
- 10 23. Police Wireless Training Centre, Dapodi, Poona.
24. Public Health Institute, Nagpur.
25. Vaccine Institute, Nagpur.
26. Bombay State Hemp Drugs and Opium Packing and Supply
Depot, Ahmedabad.
- 15 * * * * *
27. Police Training School, Nasik.

M. N. KAUL,
Secretary.

